

4-20-83
Vol. 48 No. 77
Pages 16873-17054

OK Federal Register

Wednesday
April 20, 1983

Selected Subjects

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Commodity Futures Trading Commission

Cotton

Agricultural Marketing Service

Cultural Exchange Programs

United States Information Agency

Elementary and Secondary Education

Education Department

Endangered and Threatened Wildlife

National Oceanic and Atmospheric Administration

Fisheries

National Oceanic and Atmospheric Administration

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Marketing Agreements

Agricultural Marketing Service

Mobile Homes

Federal Housing Commissioner—Office of Assistant
Secretary for Housing

Pesticides and Pests

Environmental Protection Agency

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Quarantine

Animal and Plant Health Inspection Service

Radio Broadcasting

Federal Communications Commission

Reporting and Recordkeeping Requirements

Federal Maritime Commission

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Federal Register

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Cotton Standards; Deletion of Geographical Limitations on Standards Storage and Miscellaneous Amendments

AGENCY: Agricultural Marketing Service, U.S.D.A.

ACTION: Final rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Agricultural Marketing Service (AMS) has reviewed and is effecting changes to regulations under the United States Cotton Standards Act, 7 CFR Part 28, Subpart C, along with the changes thus necessitated in Subpart A. The Cotton Classing, Testing, and Standards regulations are revised by removing the requirement that sets of cotton standards be stored "in the District of Columbia." This action permits the Department to realize a cost savings through relocation of the storage space to Memphis, Tennessee.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202/447-2167).

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1. The action has been classified as nonmajor because it does not meet the criteria for a major regulation as established by the Order.

William T. Manley, Deputy Administrator, Marketing Program

Operations, has determined that this action would not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601) because this final rule primarily changes the storage location of the standards only for cost savings purposes and will not affect the performance of inspection service.

The original physical standards representing the various grades of American Upland cotton and Pima cotton are presently kept in a vault at the Department of Agriculture, Washington, D.C. The regulations (7 CFR Part 28) specify that these physical forms will be kept in "the District of Columbia."

It has been determined that a savings could be realized by storing the original physical standards in either an enclosure built in the present warehouse space of the Cotton Division of AMS in Memphis, Tennessee or in a federally licensed and properly bonded warehouse in that city. The primary considerations for selecting a storage facility would be the maintenance of proper control and security over the standards, and maintenance of a properly controlled atmospheric environment to minimize the changes in color which occur in all cottons over time.

The AMS Cotton Division estimates that secure space in Memphis with a controlled environment would have an initial cost of \$10,000 to \$12,000 with an annual operating and maintenance expense of \$1,200. The present cost of standards storage in Washington, D.C. is \$8,300 per year, with an increase expected soon. Furthermore, the refrigeration unit needs to be replaced at a cost of \$20,000. These figures clearly show that relocating the standards to Memphis would save several thousands of dollars per year.

In order to provide the Department the flexibility to take advantage of this potential savings, the geographical limitations presently in the regulations are being deleted. The changes are in conformance with the provisions and objectives of the U.S. Cotton Standards Act.

The review of the Regulations included (1) a determination of continued need for the standards, (2) a review of changes in marketing and other factors affecting the standards,

and (3) a review of changes in technological and economic conditions in the area affected by the standards. The objective of the review was to assure that the standards continue to serve the needs of the market to the greatest possible extent. Also considered was that: (1) the Omnibus Budget Reconciliation Act of 1981 (P. L. 97-35) specifies that the "Secretary shall take such action as may be necessary to insure that the universal cotton standards system . . . [be] preserved" (2) the standards are essential to the process of classing cotton, and (3) the standards are recognized and used worldwide.

The physical standards are regularly reviewed by the Cotton Division for (1) relevance to the needs of the cotton industry and (2) representativeness of the U.S. cotton crop. Modifications are proposed, as considered appropriate, both by the Cotton Division and representatives of the U.S. cotton industry. Representatives from the signatory associations to the Universal Cotton Standards Agreement meet every three years to review the physical standards, to approve the "key" sets, and to discuss any suggested modifications to the standards.

Options Analysis. The only option would be to keep the geographical limitations, thus foregoing the possibility of realizing a savings. This option has been rejected in favor of deleting the provision that the original physical standards must be stored in the District of Columbia. Other options considered would not maintain required security and control.

This action also amends section 28.107 by deleting the reference to wax seals. While the cotton standards are to be sealed, methods other than wax seals can be used. Therefore, this change is being made to provide flexibility.

Proposed rulemaking was published on pages 4477-4478 of the *Federal Register* of February 1, 1983, and invited comments for 60 days ending April 4, 1983. No comments were received. Therefore, this final rule does not differ from the proposed rule.

List of Subjects in 7 CFR Part 28

Cotton, grades, samples, standards.

Accordingly, 7 CFR Part 28 is amended as follows:

PART 28—COTTON CLASSING, TESTING AND STANDARDS

1. The authority citation for Part 28, Subparts A and C reads as follows:
Subpart A:

Authority: Sec. 10, 42 Stat. 1519; 7 U.S.C. 61, unless otherwise noted.

Subpart C:

Official Cotton Linters Standards of the United States for Grade

Authority: Secs. 28.201 to 28.208 issued under sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 58.

Official Cotton Standards of the United States for the Grade of American Upland Cotton

Authority: Secs. 28.402 to 28.481 issued under sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 58.

Official Cotton Standards of the United States for the Grade of American Pima Cotton

Authority: Secs. 28.501 to 28.510 issued under sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 58.

2. Paragraph (a) of § 28.107 is revised to read as follows:

§ 28.107 Original cotton standards and reserve sets.

(a) The containers of the original Universal Standards and other official cotton standards of the United States currently adopted, whenever such official standards are represented by practical forms, shall be marked as prescribed in the order or orders of their establishment, and shall be wrapped and sealed. After being so marked, wrapped and sealed, they shall be held in secure storage in the custody of the U.S. Department of Agriculture. The Director may authorize the temporary removal of such containers from storage and the transporting of the containers to other locations for purposes of Universal Cotton Standards Conferences and other purposes as deemed necessary by the Director. Such containers shall remain in the control and custody of the Director until the original standards contained therein are superseded by new or revised standards.

3. Section 28.107(b) is amended by removing the sentence "The Division shall store the set designated as the Second Reserve Set in the vault of the Division in Washington, D.C., in the control and custody of the Director," and replacing it with "The Division shall keep the set designated as the Second Reserve Set in secure storage."

4. Section 28.107(c) is amended by removing the sentence "The Director shall arrange for removal of the Second Reserve Set from its storage place in Washington, D.C., and the transport of such set to the site of the conference," and replacing it with "The Director shall arrange for removal of the Second Reserve Set from its storage place and for the transport of such set to the site of the conference."

§ 28.402, 28.403, 28.405, 28.407, 28.409, 28.411, 28.413, 28.431, 28.432, 28.433, 28.434, 28.442, 28.443, 28.444, 28.501, 28.502, 28.503, 28.504, 28.505, 28.506, 28.507, 28.508, 28.509. [Amended]

5. In all of the sections above the words " * * * in the District of Columbia * * *" are removed with no other changes.

Dated: April 14, 1983.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-10835 Filed 4-19-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 53**Increase in Fees for Federal Livestock Grading and Certification Services**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is adopting without change as a final rule, the interim final rule published in the December 7, 1982, *Federal Register* (47 FR 54925), in which § 53.18 of the regulations was revised to increase fees for services so as to reflect increased program costs.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Ray, Chief, Livestock and Grain Market News Branch; Livestock, Meat, Grain, and Seed Division; Agricultural Marketing Service; U.S. Department of Agriculture; Room 2623, South Agriculture Building; Washington, D.C. 20250 (Telephone: 202-447-8231).

SUPPLEMENTARY INFORMATION:**Executive Order 12291**

This action has been reviewed under Executive Order 12291 and USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291, and it has been determined that this is not a major rule. Although this rule will directly affect users of Federal livestock grading and certification services, it will not result in an annual effect on the economy of \$100 million or more. There will be no major increase in production

costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Additionally, this rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, a regulatory impact analysis is not required.

This regulation has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. It increases fees to cover escalating costs of providing Federal livestock grading and certification services. Federal law requires that users pay for these services. It is anticipated that these increases will not have a significant economic effect on producers, meatpackers, and other members of the livestock industry. An alternative to increasing fees would be to significantly reduce the amount of supervision and training of livestock grading and certification personnel. This could result in nonuniform application of U.S. grade standards and specifications causing economic inequities among segments of the livestock industry. The uniform and accurate application of grade standards and specifications nationwide is essential to maintaining the effectiveness and integrity of grading and certification services.

Regulatory Flexibility Act

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), because the fees merely reflect a minimal increase in the cost-per-unit graded and/or certified currently borne by those entities utilizing the services. Additionally, the increased fees will not affect normal competition in the marketplace.

Comments

On December 7, 1982, the Agricultural Marketing Service published in the *Federal Register* (47 FR 54925) an interim final rule increasing the fees for Federal livestock grading and certification services, effective December 13, 1982. Comments on this amendment were requested by January 6, 1983. No comments were received.

The Agricultural Marketing Act of 1946, as amended, provides for the collection of fees approximately equal to

the cost of providing livestock grading and certification services. The fees for these services are determined by the grader's salary and fringe benefits, cost of supervision, travel, training, and other overhead and administrative costs. Since the last fee increase on November 29, 1981, program costs have continued to rise. Federal employees have received pay increases in conformity with the Federal Pay Comparability Act of 1970. In addition, the grade level or pay scale of graders currently performing service has shifted to a higher level due to longevity and progressive promotion to the journeyman market reporter level. Similarly, there have been significant increases in other costs such as supervisory travel, rent, and other associated overhead and administrative costs. In addition, annual delivery units have diminished, and at the same time, minimum staffing requirements have increased costs per unit.

In view of the situations described above, the base hourly rate for livestock grading and certification services performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on legal holidays, was increased from \$23.20 to \$29.40 per hour. For work performed on Saturday or Sunday and before 6 a.m. or after 6 p.m., Monday through Friday, except legal holidays, the hourly rate was increased from \$28.20 to \$32.80 per hour. For all work performed on legal holidays, the hourly rate was increased from \$46.40 to \$58.80 per hour.

It has been found over the course of time that the minimum charge of one-half hour is not sufficient to recover minimum operating costs, including services not directly related to the actual delivery procedure. Further, the cost projections for the hourly fee are based on a minimum 1-hour charge to effectively recover operating costs of the program. The minimum hourly fee has a minor impact on the value of a par delivery unit. The cost of grading and certification represent less than 0.2 percent of the value of a delivery unit.

Accordingly, under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), § 53.18 of the regulations published on December 7, 1982, as an interim final rule at 47 FR 54925 is adopted without change as a final rule, effective May 20, 1983.

List of Subjects in 7 CFR Part 53

Cattle, Hogs, Livestock, Sheep.

(Aug. 14, 1946, Ch. 966, Title II, Secs. 203 and 205, 60 Stat. 1087, 1090; 7 U.S.C. 1622, 1624 as amended)

Done at Washington, D.C., April 14, 1983.
William T. Manley,
Deputy Administrator, Marketing Program
Operations.

[FR Doc. 83-10536 Filed 4-19-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 83-301]

Cut Flowers

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document, with certain changes, affirms an interim rule which amended the cut flowers regulations to require certain cut flowers found upon inspection at the port of entry to be infested with agromyzids (insects of the family Agromyzidae) to be fumigated with methyl bromide. The provisions of the rule are necessary to clarify the regulations concerning these matters and to prevent the movement of injurious agromyzids into the United States.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 637, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8248.

SUPPLEMENTARY INFORMATION: In a document published in the Federal Register on August 30, 1982 (47 FR 38101-38103), the Department established an interim rule which amended the cut flowers regulations (7 CFR 319.74 through 319.74-7).

The interim rule provided that cut flowers imported from any country or locality and found upon inspection at the port of entry to be infested with agromyzids (insects of the family Agromyzidae) shall be fumigated at the time of importation with methyl bromide until specified conditions, except that such fumigation shall not be required for cut flowers imported from Canada or Mexico because of the finding of agromyzids and shall not be required for cut flowers of *Chrysanthemum* spp. imported from Colombia because of the finding of agromyzids of the species *Liriomyza trifolii* (Burgess) (referred to below as *L. trifolii*). These provisions were in effect prior to the amendments, except for the provisions concerning cut

flowers of *Chrysanthemum* spp. from Colombia found to be infested with agromyzids. Previously, such cut flowers of *Chrysanthemum* spp. from Colombia were not required to be fumigated at the time of importation even though found to be infested with agromyzids. Under the amended regulations such infested cut flowers must be treated unless the agromyzids are determined to be *L. trifolii*. Agromyzids are leaf-eating insects which burrow tunnels within the leaves. Left unchecked, they will cause significant damage to the agricultural product.

Based on the reasons set forth in this document and in the document of August 30, 1982, the provisions of the interim rule are affirmed with certain changes explained below.

The document of August 30, 1982, invited interested persons to submit written comments concerning the amendments on or before October 29, 1982. Four comments were received. The comments were received from representatives of a nurserymen's association, a rose growers' association, an association of producers of cut flowers, and a general farm organization. The representative of the nurserymen's association endorsed the interim rule as published. The other three commenters stated objections to the interim rule.

The representative of the association of producers of cut flowers stated that there is no basis for the amendment. It was asserted that *Liriomyza huidobrensis* (referred to below as *L. huidobrensis*) is not "new to, or not theretofore known to be widely prevalent or distributed within and throughout the United States." As stated in the interim rule, it was determined that *L. huidobrensis* is not widespread within the United States, and could cause a substantial reduction in the marketability of cut flowers and other agricultural products grown in the United States. Within the United States *L. huidobrensis* is found to occur only in certain areas in the West. It appears that it could spread into many other vegetable and flower growing areas in other portions of the United States. Accordingly, it is not "known to be widely prevalent or distributed within and throughout the United States." Further, if *L. huidobrensis* were to spread to uninfested areas where vegetables and flowers are grown, it could cause significant damage.

It was also asserted that the rule should be changed to provide that cut flowers of *Chrysanthemum* spp. from Colombia found to contain agromyzids at the time of importation should be

allowed to be imported without treatment unless the agromyzids were determined to be *L. huidobrensis*. Otherwise, treatment could be required in cases in which agromyzids are not *L. huidobrensis*. No changes are made based on this comment. Changing the rule to require treatment only when the species of agromyzids are identified as *L. huidobrensis* would not be adequate protection against *L. huidobrensis*. Some of the unidentified agromyzids could be *L. huidobrensis* which could spread into uninfested areas of the United States. Accordingly, it is necessary as a condition of importation, to continue requiring treatments for cut flowers of *Chrysanthemum* spp. from Colombia found to contain agromyzids, unless the agromyzids are determined to be *L. trifolii*.

Representatives of the general farm organization and the rose grower's association question whether the amendments would provide adequate protection against the introduction of *L. huidobrensis*. It was asserted that *L. trifolii* and *L. huidobrensis* cannot be distinguished in the egg stage or in the first three days of nonrefrigerated time after the egg has been deposited in the chrysanthemum leaf. The Department does not dispute this assertion. However, no changes are made based on this comment. Under the amendments, such cut flowers found to be infested with agromyzids that cannot be identified as *L. trifolii* would be required to be fumigated regardless of the stage of development of the agromyzids. Accordingly, the amendments are adequate to protect against the introduction of *L. huidobrensis*.

Two commenters questioned whether protection is needed against the introduction of *L. trifolii*. It was asserted that *L. trifolii* from Colombia may have developed resistance to the pesticides United States growers have or may have available against *L. trifolii*. No changes are made based on these comments. The assertions were not accompanied by any supporting data. Further, it appears that there is no evidence to suggest that the pesticide resistance of the *L. trifolii* population in Colombia differs from the pesticide resistance of the *L. trifolii* population in the United States. If the *L. trifolii* population in Colombia were found to be a more injurious population than the *L. trifolii* population found in the United States, amendment of the regulations would be considered. However, as stated in the document of August 30, 1982, it has been determined that *L. trifolii* is widespread within the United States, and it appears that it is

not necessary to take action against *L. trifolii* since its movement into the United States would not cause significant additional damage to cut flowers or other agricultural products grown in the United States.

The interim rule provided that the treatment procedure consists of fumigation with specified amounts (in lbs.) of methyl bromide at normal atmospheric pressure in a chamber or under a tarpaulin in accordance with one of the specified schedules. It is understood in the industry that the specified amounts of methyl bromide would be such amounts "per 1000 cu. ft." Accordingly, for purposes of clarity "per 1000 cu. ft." is added after each stated amount of methyl bromide. As an example, "1 1/2 lbs. for 2 hours at 80°-90° F" would be changed to "1 1/2 lbs. per 1000 cu. ft. for 2 hours at 80°-90° F."

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of between \$35,000 and \$150,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the circumstances explained above, any effect on the economy caused by the amendments would be limited to cut flowers of *Chrysanthemum* spp. imported from Colombia and found to be infested with agromyzids not determined to be *L. trifolii*.

Approximately 475 million individual cut flowers of *Chrysanthemum* sp. valued at approximately \$60 million at the time of importation, are imported into the United States annually from Colombia. Based on pest interception records and a recent survey in Colombia, it is projected that approximately .5 percent to 2 percent of these cut flowers would require fumigation at the time of importation because of the finding of agromyzids not identified as *L. trifolii*. It is estimated that the total costs for fumigation of such cut flowers and any resulting

damage would be between \$35,000 and \$150,000 annually.

Cut flowers of *Chrysanthemum* spp. imported from Colombia compete on the market in the United States with cut flowers grown in the United States and cut flowers imported from many parts of the world. It appears that the number of cut flowers of *Chrysanthemum* spp. from Colombia which would be required to be fumigated because of agromyzids would be substantially less than 1 percent of the cut flowers imported into the United States. Further, there are many small entities which import cut flowers of *Chrysanthemum* spp. from Colombia into the United States and thousands of small entities in the United States which sell cut flowers of *Chrysanthemum* spp. from Colombia.

Alternatives were considered in connection with the rule. Alternatives considered were (1) to allow the importation without fumigation of any cut flowers of *Chrysanthemum* spp. from Colombia found to be infested with any agromyzids, (2) to require fumigation for any cut flowers of *Chrysanthemum* spp. imported from Colombia found to be infested with any agromyzids, or (3) to require fumigation for any cut flowers of *Chrysanthemum* spp. imported from Colombia because of a finding of agromyzids unless the agromyzids are determined to be *L. trifolii*.

Alternative (1) is not adopted because under this alternative there would be a substantial risk of spread of *L. huidobrensis* within the United States.

Alternative (2) is not adopted because it would be unnecessarily restrictive. Alternative (3) is adopted because under the conditions imposed by the interim rule, cut flowers of *Chrysanthemum* spp. from Colombia can be imported without a significant risk of spreading injurious agromyzids into noninfested areas of the United States. As previously stated in this document, the fumigation procedures set forth in this document are the only known feasible methods of destroying agromyzids in cut flowers. Therefore, it appears that there are no other feasible alternatives to consider in compliance with the requirement that agencies choose the alternative that maximizes net benefits to society at the lowest net cost.

Also, under the circumstances explained above, James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports,
Plants pests, Plants (agriculture),
Quarantine, Transportation, Flowers.

PART 319—[AMENDED]

Accordingly, paragraph (d) of § 319.74-3 of "Subpart—Cut Flowers" in 7 CFR Part 319 is amended by adding "1000 cu ft." immediately after the terms "lbs." each of the five times the terms "lbs." appears in the paragraph.

(Secs. 5 and 9, 37 Stat. 316, 318, as amended, 7 U.S.C. 159, 162; 7 CFR 2.17, 2.51, and 371.2(c))

Done at Washington, D.C., this 14th day of April 1983.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-10448 Filed 4-19-83; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service**7 CFR Part 917**

(Peach Reg. 14, Amdt. 3; Plum Reg. 19, Amdt. 3)

Pears, Plums, and Peaches Grown In California; Amendment of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends grade and size requirements for fresh shipments of peaches and plums grown in California. These requirements are designed to promote marketing of suitable quality and sizes of fresh fruit in the interest of producers and consumers.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F & V, AMS, USDA, Washington, D.C. 20250, telephone 202-477-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The action is designed to promote orderly marketing of the California peach and plum crops for the benefit of producers,

and will not substantially affect costs for the directly regulated handlers.

The amended regulations are issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums and peaches grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Shipments of California peaches and plums are regulated by grade and size under Peach Regulation 14, and Plum Regulation 19 (7 CFR Part 917), issued in July 1981. Because these regulations change infrequently from season to season they were issued on a continuing basis subject to amendment, modification, or suspension of regulations as may be recommended by the committees and approved by the Secretary.

The Peach Commodity Committee and the Plum Commodity Committee met November 18, 1982, and recommended amendment of the grade and size requirements for peaches and plums. This final rule is based upon those recommendations and information submitted by the committees, and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the Act.

This final rule amends requirements for peaches and plums by regulating (by size) several varieties now produced in commercially significant quantities, by deleting from size regulation several varieties no longer produced in significant quantities, and by changing the size requirements for some peach varieties to bring them into conformity with current industry practices. For peaches, § 917.459 is amended to add size requirements for two new varieties (Spring Lady and Flavor Red) and to delete size requirements for six varieties (Cardinal, Indian Red, Otani, Tizz, Jody Gaye, and Early Redhaven). For plums § 917.460 is amended to add size requirements for one new variety (Carolyn Harris) and to delete size requirements for three varieties (Tragedy, Rosa Grande and Elephant Heart).

The amended regulations are necessary to prevent the shipment of California fruit not meeting the specified requirements, and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the Act.

It is found that it is impracticable and

contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the Federal Register (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) California handlers have been apprised of these requirements and the effective date; (2) growers need sufficient time to change their cultivation practices; (3) this rule in some cases relieves restrictions on handlers; (4) these changes should be made as soon as possible because shipments of 1983 tree fruit will begin shortly; and (5) no useful purpose would be served by delaying the effective date of this document.

List of Subjects in 7 CFR Part 917

Marketing agreements and orders,
Pears, Plums, Peaches, California.

PART 917—[AMENDED]

Therefore, §§ 917.459 and 917.460 are amended as follows:

1. Paragraphs (a)(2), (a)(3) introductory text, (a)(3)(ii), (a)(4) introductory text, (a)(4)(ii), (a)(5) introductory text and (c)(2) of § 917.459 are revised to read as follows:

§ 917.459 Peach Regulation 14.

(a) * * *

(2) Any package or container of Armgold, Desertgold, Royal April, Royal Gold, variety peaches unless:

(3) Any package or container of any type of Springgold variety peaches unless:

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 85 peaches in the box; or

(4) Any package or container of Babcock, Bonjour, Early Coronet, Early Royal May, Firecrest, First Lady, Flavorcrest, JJK-1, June Lady, May Lady, Merrill Gemfree, Royal May, Springcrest, Royal Crest, May Crest, Golden Lady, Spring Lady, Flavor Red, Coronet, Merrill Gem, Redhaven, Redtop, or Regina variety peaches unless:

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with

the requirements of standard pack, not more than 65 peaches in the box; or

(5) Any package or container of Angelus, Autumn Gem, Cassie, Belmont, Cal Red, Carnival, Early Fairtime, Early O'Henry, Elegant Lady, Fairtime, Fay Elberta, Fayette, Fiesta, Fire Red, Flamecrest, Fortyniner, Franciscan, Gem Crest, Halloween, July Elberta (Early Elberta, Kim Elberta, and Socala), July Lady, Kearney, Mardigras, Merricle, O'Henry, Pacifica, Parade, Paradise, Preuss Suncrest, Red Cal, Redglobe, Red Lady, Elberta, Rio Oso Gem, Scarlet Lady, Sparkle, Summerset, Suncrest, Sun Lady, Toreador, or Windsor variety peaches unless:

(c) * * *

(2) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

2. Paragraphs (a), (b) and (c) table are revised to read as follows:

§ 917.460 Plum Regulation 19.

(a) No handler shall ship any lot of packages or containers of any plums, other than varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1: *Provided*, That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service; and *Provided further*, That internal discoloration not considered serious damage will be permitted.

(b) No handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1 with additional tolerance of 10 percent for defects not considered serious damage: *Provided*, That internal discoloration not considered serious damage will be permitted; and *Provided further*, That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(2) Any lot of packages or containers of Angee, Autumn Queen, Casselman, Empress, Freedom, Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, SW-1, and Swall Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do

not cause serious damage shall not be considered as a grade defect with respect to such grade, *Provided*, That, maturity shall be determined by the application of color standards, by variety or such other test as determined to be proper by the Federal-State Inspection Service; and *Provided further*, That, internal discoloration not considered serious damage will be permitted.

(c) * * *

TABLE I

Column A, variety	Column B, plums per sample
Ace	55
Amazon	64
Andys Pride	69
Angeleno	87
Autumn Rose	72
Bee Gee	65
Black Beaut	74
Black Knight	53
Carolyn Harris	61
Casselman	63
Durado	74
Early Hawaiian Ann	60
Ebony	66
El Dorado	88
Empress	57
Freedom	68
Fresno Rosa	62
Frier	56
Frontier	61
Gar-Rosa	71
Golden Glow	60
Grand Rosa	54
July Red	64
July Santa Rosa	69
Kelsey	47
King David	50
King's Black	58
Laroda	58
Late Santa Rosa (including improved Late Santa Rosa and Swall Rosa)	64
Linda Rosa	63
Mariposa	61
Midsummer	63
Milwaukee	56
Nubiana	56
President	57
Queen Ann	50
Queen Rosa	53
Red Beaut	74
Red Rosa	64
Redroy	58
Rosa Ann	69
Rosemary	50
Rose Ann	60
Royal Red	74
Roysum	74
Santa Rosa	69
Semka, Arrosa, New Yorker	50
Spring Beaut	74
Standard	63
Wicksón	51

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 15, 1983, to become effective April 25, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-10537 Filed 4-19-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 100 and 103

Statement of Organization; Powers and Duties of Service Officers; Availability of Service Records; Organization Changes

Correction

In FR Doc. 83-8066, beginning on page 13146, in the issue of Wednesday, March 30, 1983, on page 13147, in the second column, in § 100.2(b)(2), in the sixth line "activities" should read "activities and".

BILLING CODE 1505-01-M

8 CFR Part 238

Contracts with Transportation Lines; Addition of Middle East Airlines

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Middle East Airlines to the list of carriers which have entered into agreements with the service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkil, Acting Instructions Officer, Office of Policy Directives and Instructions, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3(b) is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Middle East Airlines on March 31, 1983, to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes editorial changes to the listing of transportation lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will

not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1 (a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Common carriers, Government contracts, Inspections, Transportation, Travel restriction, Treaties.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, 8 CFR Part 238 is amended as follows:

§ 238.3 [Amended]

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by:

1. Adding in alphabetical sequence, "Middle East Airlines."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: April 13, 1983.

Andrew J. Carmichael Jr.,

Associate Commissioner for Examinations, Immigration and Naturalization Service.

[FR Doc. 83-10447 Filed 4-19-83; 8:45 am]

BILLING CODE 4410-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Associated Persons of Commodity Pool Operators and Commodity Trading Advisors; Notice and Procedures for "No-Action" Position

AGENCY: Commodity Futures Trading Commission.

ACTION: Rule related notice.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is publishing the text of a letter it has transmitted to all registered commodity pool operators ("CPOs") and commodity trading advisors ("CTAs"). In that letter, the Commission advised those CPOs and CTAs of recent amendments to the registration requirements administered by the Commission under the Commodity Exchange Act ("Act") which, effective May 11, 1983, may require individuals engaged in certain specified activities on behalf of a CPO or a CTA to register under the Act as associated persons ("APs") of a CPO or of a CTA. That letter further advises CPOs and CTAs of procedures which have been established by the Commission by which a CPO or CTA

may obtain a "no-action" position from the Commission with respect to its associated persons. The Commission is publishing that letter in the *Federal Register* to provide affected persons additional notice of those procedures and to advise other interested members of the public of the requirements that have been established by the Commission.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Robert P. Shiner, Assistant Director for Registration, Division of Trading and Market, Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581. Telephone: (202) 254-8955 or 254-9703, respectively.

SUPPLEMENTARY INFORMATION: The Futures Trading Act of 1982 has amended the Commodity Exchange Act to require the registration with the Commission of associated persons of commodity pool operators and commodity trading advisors.¹ Although the Commission has recently proposed rules which, when adopted, would govern the registration of these persons (48 FR 14933 (April 6, 1983)), the Commission recognizes that affected individuals will not be able to become registered pursuant to rules adopted by the Commission prior to the May 11, 1983 statutory deadline. The Commission has therefore sent the following letter to all registered CPOs and CTAs to advise them of procedures adopted by the Commission which, if complied with in every respect, will allow the employees of CPOs and CTAs to continue to act in a capacity which would otherwise require them to be registered as associated persons.²

The procedures specified in the letter reprinted below will allow commodity pool operators, commodity trading advisors, and their associated persons to continue to operate without the disruption of their business activities that would otherwise result if those associated persons were not allowed to continue to solicit pool participations or clients for discretionary account programs. The "no-action" position being made available by the Commission will remain in effect until such time as the Commission processes the applications for the registration of APs of CPOs and APs of the CTAs filed

pursuant to this "no-action" position or the "no-action" is otherwise terminated as provided in the letter. The Commission finds that notice and public comment on these procedures is impracticable because the procedures must be complied with immediately in order for a "no-action" to be granted as of May 11, 1983. For the same reasons, the Commission finds that these procedures should be made effective immediately.

The text of the letter sent by the Commission to all registered commodity pool operators and commodity trading advisors on April 14, 1983 is set forth below. Although the attachments to that letter are not, however, being reprinted in this *Federal Register* notice, they are available to interested persons from the Commission's Registration Unit at the address provided earlier in this notice.

List of Subjects in 17 CFR Part 3

Associated persons of commodity pool operators, Associated persons of commodity trading advisors.

Issued in Washington, D.C. on April 14, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

April 14, 1983.

Re: *Registration of Associated Persons of Commodity Pool Operators and Commodity Trading Advisors.*

Dear Commodity Pool Operator or Commodity Trading Advisor: As you may know, recently-enacted legislation will make significant changes in certain of the registration requirements administered by the Commodity Futures Trading Commission ("Commission") under the Commodity Exchange Act ("Act"). Specifically, the Futures Trading Act of 1982¹ has extended the requirements that govern the registration of associated persons ("APs") so that individuals who are associated with a commodity pool operator ("CPO") or with a commodity trading advisor ("CTA") in certain specified capacities will be required to register as an AP of a "sponsoring" CPO or CTA.

Section 4k(2) of the Act, as amended, provides with respect to commodity pool operators and their associated persons that:

It shall be unlawful for any person to be associated with a commodity pool operator as a partner, officer, employee, consultant, or agent (or any person occupying a similar status or performing similar functions), in any capacity that involves (i) the solicitation of funds, securities, or property for a participation in a commodity pool or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person of such commodity pool operator and such registration shall not have

¹ Futures Trading Act of 1982, Pub. L. No. 97-444, section 212, 96 Stat. 2304-05.

² The Commission has sent a similar letter to all registered futures commission merchants ("FCMs") to advise those FCMs and their agents of the procedures which have been adopted by the Commission to allow agents and their associated persons to obtain an appropriate "no-action" position from the Commission.

¹ Pub. L. No. 97-444, 96 Stat. 2294 (January 11, 1983).

expired, been suspended (and the period of suspension has not expired), or been revoked. It shall be unlawful for a commodity pool operator to permit such a person to become or remain associated with the commodity pool operator in any such capacity if the commodity pool operator knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired), or been revoked. Any individual who is registered as a floor broker, futures commission merchant, introducing broker, commodity pool operator, or as an associated person of another category of registrant under this section (and such registration is not suspended or revoked) need not also register under this subsection. The Commission may exempt any person or class of persons from having to register under this subsection by rule, regulation, or order.³

Section 4k(3) of the Act, as amended, similarly provides with respect to commodity trading advisors and their associated persons that:

It shall be unlawful for any person to be associated with a commodity trading advisor as a partner, officer, employee, consultant, or agent (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation of a client's or prospective client's discretionary account or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person of such commodity trading advisor and such registration shall not have expired, been suspended (and the period of suspension has not expired), or been revoked. It shall be unlawful for a commodity trading advisor to permit such a person to become or remain associated with the commodity trading advisor in any such capacity if the commodity trading advisor knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired), or been revoked. Any individual who is registered as a floor broker, futures commission merchant, introducing broker, commodity trading advisor, or as an associated person of another category of registrant under this section and (such registration is not suspended or revoked) need not also register under this subsection. The Commission may exempt any person or class of persons from having to register under this subsection by rule, regulation, or order.⁴

These new registration requirements will become effective on May 11, 1983,⁵ and, absent appropriate relief, it would be unlawful for any person to engage in the activities described above and for CPO or CTA to employ such a person unless that person was properly registered under the Act or qualified for one of the exemptions from registration provided therein. Although the Commission has recently published proposed regulations in the Federal Register which

would establish registration requirements for these two new categories of associated persons,⁶ the Commission recognizes that affected individuals will not be able to become registered pursuant to rules adopted by the Commission prior to that statutory deadline. The Commission is, therefore, making available procedures which, if complied with in every respect, will allow those individuals who are engaged in activities which will require AP registration to continue in business on and after May 11, 1983 even though they have not been registered under the Act as associated persons. These procedures will similarly allow CPOs and CTAs to employ those individuals even though they have not yet been registered as associated persons.

Specifically, the Commission will not take enforcement action against any commodity pool operator, commodity trading advisor, or any associated person of a commodity pool operator or commodity trading advisor based solely on the failure of an individual to be registered as an AP if the CPO or CTA is registered as such and submits to the Commission a Certification, in the form specified in the supplement to this letter, indicating: (1) The name of each individual who will be associated with the CPO or CTA as an associated person; (2) that the CPO or CTA has caused that individual to complete a Form 8-R (as modified by the instructions attached thereto) and a fingerprint card unless that individual is or would be exempt from registration as an associated person;⁷ (3) that none of those individuals has answered "Yes" to any of the questions in the Disciplinary History portion of the Form 8-R (Questions 18-21, inclusive); and (4) that none of those individuals is subject to a "statutory disqualification," as that term is defined in Section 8a(2) of the Act.⁸ That Certification must be received by the Commission on or before May 11, 1983 at the following address: Andrea M. Corcoran, Director, Division of Trading and Markets Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

The completed Form 8-Rs and fingerprint card⁹ may be returned with the required

Certification and, if not completed and filed at that time, must be received by the Commission at that address no later than June 1, 1983. Retain a copy of the Certification and of each Form 8-R for your files.

For purposes of this "no-action" position, the Commission will not allow any additions to the list submitted by the CPO or CTA as part of its Certification once that Certification has been filed with the Commission. Thus, as a practical matter, until the Commission makes effective appropriate regulations and the necessary applications for registration are processed, a CPO or CTA will not be able to permit new employees to perform the tasks described in Sections 4k(2) and 4k(3) of the Act during that interim period unless those employees are already validly registered as associated persons (for example, as APs of a futures commission merchant).

You should be aware, however, that not only do Sections 4k(2) and 4k(3) of the Act (quoted above) provide certain exemptions from these registration requirements but furthermore that the Commission has proposed to provide additional exemptions from AP registration. Specifically, the Commission has proposed to exempt any individual who is registered as a commodity trading advisor from registration as an AP of a CPO. The Commission has similarly proposed to exempt any individual who is registered as a commodity pool operator from registration as an AP of a CTA. Finally, the Commission has proposed to exempt from registration as an associated person of a commodity pool operator any individual who is registered with the National Association of Securities Dealers as a "registered representative" or as a "registered principal."¹⁰ Therefore, upon adoption by the Commission of final rules, some (or all) of your employees¹¹ may not be required to register as associated persons. Although such individuals will not be required to complete a Form 8-R and a fingerprint card, they must be included in the Certification if they are to continue to function as associated persons on and after May 11, 1983.¹²

The "no-action" position granted to a CPO or CTA will terminate automatically if a CPO or CTA fails to submit the required Form 8-R and fingerprint card for each of its associated persons who is not (or would not be) exempt from registration as an AP of a CPO and/or of a CTA by June 1, 1983. The Commission will also terminate its "no-action" position

specified in the attached Form 8-R and at the address specified at the end of this letter as well as from the Commission's regional offices in New York, Los Angeles, and Kansas City, Missouri.

³ Proposed regulation § 3.12(h), 48 FR 14933, 14967 (April 6, 1983).

⁴ For purposes of this letter, the term "employee" includes partners, officers, employees, consultants, or agents, or any person occupying a similar status or performing similar functions, as described in Sections 4k(2) and 4k(3) of the Act.

⁵ If the Commission does not adopt these proposed exemptions, or if they are adopted in a more limited form, the Commission will provide affected individuals and firms with adequate time in which to apply for registration prior to any enforcement of the registration requirements that would then be applicable to such persons.

¹ *Id.*, Section 212, 96 Stat. 2304.

² *Id.*, Section 212, 96 Stat. 2304-05.

³ *Id.*, Section 239, 96 Stat. 2327.

⁴ 48 FR 14933 (April 6, 1983). Those proposed regulations would also establish registration and other regulatory requirements for introducing brokers and their associated persons; the Commission has separately sent a letter to all registered FCMs to advise those FCMs and their agents of the procedures established by the Commission for a "no-action" position with respect to the registration requirements which will become applicable to introducing brokers and their associated persons on May 11, 1983.

⁵ Each individual who is engaged in activities which are specified in Sections 4k(2) or 4k(3) of the Act must be included in the CPO's or CTA's Certification even if that individual is exempted from registration by Sections 4k(2) or 4k(3) of the Act or, as discussed later in this letter, would be exempt from registration under the Commission's regulations. Such an individual does not have to complete a Form 8-R and a fingerprint card, however.

⁶ See Futures Trading Act of 1982, Pub. L. No. 97-444, Section 224(1), 96 Stat. 2310. The text of Section 8a(2) of the Act, as amended, is attached to this letter.

⁷ Additional fingerprint cards are available from the Commission's Registration Unit at the address

with respect to a CPO or CTA if it determines, in the course of its audits for compliance with the terms of the "no-action" position or otherwise, that a CPO or CTA is employing any individual who is not included in the Certification submitted to the Commission by the CPO or CTA. The Commission will also terminate a CPO's or CTA's "no-action" position and that of an employee if a Form 8-R completed by that individual does, in fact, contain self-declared derogatory information (Questions 16-21, inclusive).¹² Similarly, the Commission may terminate its "no-action" position for a CPO or CTA if any of its employees is subject to a statutory disqualification or if the Commission is in possession of information which calls into question an individual's fitness for registration. (The Commission's "no-action" position will, of course, be terminated for any employee with respect to whom the CPO or CTA does not comply with the terms of the Commission's "no-action" position and, depending on the facts and circumstances of a particular case, may be terminated for all of a CPO's or CTA's employees.) Finally, the "no-action" position will terminate automatically for individual employees upon the registration of those individuals as APs of a CPO or CTA or when an employee ceases to be associated with the CPO or CTA who obtained the "no-action" position for that individual.

Any CPO or CTA who would like confirmation of the Commission's "no-action" position must include an extra copy of the Certification and a self-addressed, postage-paid envelope for that purpose. The Commission will return a time-stamped copy of that Certification but, in view of existing resource limitations, will not provide any additional notice of the qualification of a CPO, CTA, or associated person for a "no-action" position.

If you have any questions regarding these procedures, or if you need additional copies of the modified Form 8-R or additional fingerprint cards, please contact the Registration Unit, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 ((202) 254-9703).

Sincerely,

Jane K. Stuckey,

Secretary of the Commission.

APPLICATION FOR "NO-ACTION" POSITION WITH RESPECT TO ASSOCIATED PERSONS OF A COMMODITY POOL OPERATOR AND/OR COMMODITY TRADING ADVISOR

Name	CFTC ID Number ¹	Exempt ²

¹² In this regard, you are reminded that willful falsification, misrepresentation, or omission of any material fact required to be stated on an application for registration or a Certification submitted in accordance with the procedures set forth in this letter constitutes cause for denial, suspension, or revocation of registration and prosecution under criminal statutes of the individual and firm submitting the application for registration or Certification. See, e.g., 7 U.S.C. 9, 12a, 13; 18 U.S.C. 1001.

¹ Provide CFTC ID Number only if already assigned (for example, to a principal); if not, enter "N/A."
² If individual does not need to complete a Form 8-R and a fingerprint card because that individual is or will be exempt from registration as an AP, make one or more of the following entries: "AP" (if that individual is already registered as an associated person); "FB" (if already registered as a floor broker); "CPO" (if already registered as a commodity pool operator); "CTA" (if already registered as a commodity trading advisor); "FCM" (if already registered as a futures commission merchant); "NASD" (if already registered with the National Association of Securities Dealers as a "registered representative" or as a "registered principal"); you must also provide the NASD Central Registration Depository identification number for each such individual).

Certification

The undersigned Commodity Pool Operator and/or Commodity Trading Advisor represents that the individuals specified herein: (1) will be associated with the Commodity Pool Operator and/or Commodity Trading Advisor as an associated person within the meaning of Sections 4k(2) and 4k(3) of the Commodity Exchange Act (Pub. L. No. 97-444, section 212, 96 Stat. 2304-05); (2) has completed a Form 8-R (as modified by the instructions attached hereto) and a fingerprint card unless any such individual is or would be exempt from registration as an associated person of a Commodity Pool Operator and/or as an associated person of a Commodity Trading Advisor; (3) have not answered "YES" to any of the questions in the Disciplinary History portion of the Form 8-R (Questions 16-21, inclusive); (4) are not subject to a "statutory disqualification" as defined in Section 8a(2) of the Commodity Exchange Act (Pub. L. No. 97-444, section 224, 96 Stat. 2310-12); and (5) will be diligently supervised with a view to preventing violations of the Commodity Exchange Act and the rules, regulations, and orders thereunder. The undersigned Commodity Pool Operator and/or Commodity Trading Advisor acknowledges that it is fully responsible for the conduct of each individual specified herein as though each such individual had been registered as an associated person of the Commodity Pool Operator and/or Commodity Trading Advisor in accordance with the provisions of 17 CFR 3.12.

Name of Commodity Pool Operator: ¹	Name of Commodity Trading Advisor: ¹
For the Commodity Pool Operator:	For the Commodity Trading Advisor:
Signature and Date	Signature and Date
Print Name and Title (Corporate Officer, General Partner, or Sole Proprietor)	Print Name and Title (Corporate Officer, General Partner, or Sole Proprietor)

¹ Provide exact name under which registered as a Commodity Pool Operator and/or as a Commodity Trading Advisor. If registered in both capacities, provide the required information for each capacity.

Attach Continuation Sheet If Necessary

[FR Doc. 83-10468 Filed 4-19-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 143

[T.D. 83-82]

Informal Entry for United States Goods Returned; Correction

AGENCY: Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in the designation of a new paragraph in § 143.21, Customs Regulations (19 CFR 143.21), as amended by T.D. 83-82 and published in the Federal Register on April 5, 1983 (48 FR 14595).

EFFECTIVE DATE: May 5, 1983.

FOR FURTHER INFORMATION CONTACT: Charles D. Ressin, Regulations Control Branch, U.S. Customs Service, Washington, D.C. 20229 (202) 556-8237.

SUPPLEMENTARY INFORMATION: By T.D. 82-116, published in the Federal Register on June 24, 1982 (47 FR 27260), § 143.21 was amended by redesignating paragraph (i) as paragraph (j) and adding a new paragraph (i).

Section 143.21, as amended by T.D. 83-82, should have added a new paragraph (k), rather than new paragraph (j) on page 14597 of the Federal Register of April 5, 1983.

To correct this error, this document amends § 143.21 by:

1. Removing the word "and" at the end of paragraph (i);
2. Removing the period at the end of paragraph (j) and adding a semicolon and the word "and" in its place; and
3. Redesignating new paragraph (j) appearing on page 14597 of the Federal Register of April 5, 1983, as new paragraph (k).

Dated: April 13, 1983.

B. James Fritz,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 83-10380 Filed 4-19-83; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange-Visitor Program

AGENCY: United States Information Agency.

ACTION: Final Rule.

SUMMARY: The United States Information Agency is amending the

definition of "Graduate medical education or training" in § 514.1, is amending § 514.13(a)(4) to revise paragraph (ii), adding new paragraphs (iii), (iv), and (v), is making technical changes in Part 514 to delete references to the "International Communication Agency" and replace that term, where appropriate, with the Agency's new name, the "United States Information Agency."

The regulations establish the criteria for determining the duration of an alien physician's participation in programs of graduate medical education or training. The duration of such participation is limited to the time typically required to complete a specific program taking into consideration the published requirements of the medical specialty boards in the latest edition of the Directory of Medical Specialists and requirements of Pub. L. 97-116.

A general limitation of stay of five years is established for research assistants sponsored by the National Institutes of Health.

EFFECTIVE DATE: March 30, 1983.

FOR FURTHER INFORMATION CONTACT: Richard L. Fruchterman, Assistant General Counsel, United States Information Agency, Washington, D.C. 20547; (202) 724-9055.

SUPPLEMENTARY INFORMATION: A notice of interim rules on the duration of alien physicians' participation in programs of graduate medical education or training was published in the Federal Register on October 12, 1982 (47 FR 44726). Comments were received from interested government agencies and from the public. Several comments suggested language less cumbersome and these were adopted. Two comments suggested that the term "obtainable only by means of an extension of length of stay" in § 514.13(a)(4)(ii)(A) be deleted since it could result in the denial of an extension in a situation in which the training was available in any other country. This suggestion was adopted. Two comments suggested that the duration be extended to permit the alien physician to take an examination if such was required for certification by a specialty board. While this suggestion was not accepted, the language of § 514.13(a)(4) was modified slightly to emphasize a more positive approach to extending the period to include time necessary to take an examination. The definition of "Graduate medical education or training" as modified to ensure that a directly related medical subspecialty was included within the program description. The name of the Agency was changed where necessary

to reflect the current name of the Agency.

List of Subjects in 22 CFR Part 514

Educational exchange-graduate students.

E.O. 12291 Federal Regulation

USIA has determined that this is not a major rule for the purposes of E.O. 12291, Federal regulation, because it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

PART 514—EXCHANGE VISITOR PROGRAM

1. Part 514 of Chapter V, Title 22 of the Code of Federal Regulations is amended by revising the definition of "Graduate medical education or training", and amending the definitions of "Exchange visitor program" and "Director", in § 514.1; by amending § 514.13(a)(4) to revise paragraph (ii) and adding new paragraphs (iii), (iv), and (v) all to read as follows:

§ 514.1 Definitions.

"Graduate medical education or training" means participation in a program in which the alien physician will receive graduate medical education or training, which generally consists of a residency or fellowship program involving health care services to patients, but does not include participation in a program involving observation, consultation, teaching or research in which there is no element or only incidental elements of patient care. This program may consist of a medical specialty and a directly related medical subspecialty or either of the two.

a. In the definitions of "Exchange-Visitor Program" and "Director" remove the words "International Communication Agency" and substitute "United States Information Agency."

b. In § 514.13(a)(4), remove the words "of the International Communication Agency"; ((a)(4)(ii) is revised; and (iii), (iv), and (v) are added as follows:

§ 514.13 [amended]

- (a) * * * *
- (4) * * *

(ii) The duration of the alien physician's participation in the program of graduate medical education or training for which the alien physician is coming to the United States is limited to the time typically required to complete such program. The duration shall be determined by the Director of the United States Information Agency at the time of the alien physician's entry into the United States. The determination shall be based on criteria which are established in coordination with the Secretary of Health and Human Services and which take into consideration the published requirements of the medical specialty boards in the latest edition of the Directory of Medical Specialists published for the American Board of Medical Specialties by Marquis Who's Who; except that

(A) Such duration is further limited to seven years unless the alien physician has demonstrated to the satisfaction of the Director that the country to which the alien physician will return at the end of such specialty education or training has an exceptional need for an individual with the additional qualifications, and

(B) The alien physician may, once and not later than two years after the date the alien physician enters the United States as an exchange visitor or acquires exchange visitor status, change his designated program of graduate medical education or training if the Director approves the change and if the requirements of paragraphs (a)(4) and (a)(4)(i) of this section are met for the newly designated specialty or

(iii) Subject to the limitations contained in paragraph (a)(4)(ii)(A) of this section, the phrase "time typically required to complete such program" means a length of stay within the United States which is required to complete all necessary graduate medical education and training, which may enable the alien physician to meet the eligibility requirements for certification (but not actual certification) by an American specialty board. For good cause, this period will be extended beyond the training period to include the time necessary to take an examination required for certification by a specialty board. The Director may include within the duration of the program a period of supervised medical practice in the United States if this is required for eligibility for certification by a specialty board.

(A) Alien physicians shall be permitted to undertake graduate medical education or training in a specialty or subspecialty program whose board requirements are not published in the

Directory of Medical Specialists if the Board requirements are certified to the Director and to the Educational Commission for Foreign Medical Graduates by the Executive Secretary of the cognizant component board of the American Board of Medical Specialties. The Director, for good cause shown, may grant an extension of authorized length of stay to permit an alien physician to repeat one year of clinical medical training.

(B) The alien physician must furnish the Attorney General each year with an affidavit (Form I-644) that attests the alien physician: (i) Is in good standing in the program of graduate medical education or training in which the alien physician is participating, and (2) will return to the country of his nationality or last residence upon completion of the education or training for which he came to the United States.

(iv) Aliens who entered the United States or acquired exchange visitor status on or after January 10, 1978, and before December 29, 1981, and are participating in graduate medical education or training programs, have until December 29, 1983 to apply for a change in their designated graduate medical education or training programs, subject to the requirements of paragraph (a)(4)(ii)(B) of this section.

(v) The Educational Commission for foreign Medical Graduates will serve as liaison between the medical specialty boards and the United States Information Agency.

§ 514.13 [Amended]

2. In § 514.13(a)(6), remove the words "of the International Communication Agency."

3. In § 514.13(a)(7), remove the words "of the International Communication Agency."

4. In § 514.13(a)(8)(ii), remove the words "of the International Communication Agency."

5. Section 514.23 (a)(1)(IV) is revised and (a)(1)(ix) is added as follows:

§ 514.23 General limitations of stay.

(a) * * *

(1) * * *

(iv) Professional Trainee—an alien who is a graduate of a medical school pursuing graduate medical education or training in the United States is limited to the time typically required to complete such program and is limited to a maximum of seven years unless exceptional circumstances are present.

(ix) Research assistants sponsored under contract, grant or cooperative

agreement by the National Institutes of Health—5 years.

(Pub. L. 97-116, 75 Stat. 527, 534, 535; 8 U.S.C. 110(a)(15)(J); 95 Stat. 1611, 1612, 1613 (8 U.S.C. 118(a)(15)(J)). Reorg. Plan No. 2 of 1977; E.O. 12048 of March 27, 1978; Pub. L. 97-241, 96 Stat. 291; USIA Delegation Order No. 83-5 (48 FR 2490))

Dated: March 30, 1983.

Jonathan W. Sloat,
General Counsel and Congressional Liaison.
[FR Doc. 83-10418 Filed 4-19-83; 8:45 am]

BILLING CODE 8230-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1F2500, 1F2531, 2F2695, 2F2732/
R517A; PH-FRL 2350-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Metalaxyl; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule; correction.

SUMMARY: This document corrects a regulation that established tolerances for the combined residues of the fungicide metalaxyl and its metabolites in or on certain raw agricultural commodities. The regulation was requested in a petition submitted by Ciba-Geigy Corporation.

EFFECTIVE DATE: Effective on January 26, 1983.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: In the FR Doc. 83-2136, published in the Federal Register of January 26, 1983 (48 FR 3599), EPA established tolerances for the combined residues of the fungicide metalaxyl [N-(2,6-dimethylphenyl)-N-(methoxyacetyl)alanine, methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and N-(2-hydroxymethyl-6-methylphenyl)-N-(methoxyacetyl)alanine, methyl ester each expressed as metalaxyl in or on certain raw agricultural commodities.

In the list of commodities on page 3600, second column, the commodity poultry liver is added at 0.4 part per million (ppm). This commodity was inadvertently omitted in the regulation. The tolerance level for melons, erroneously listed at 0.1 ppm, is corrected to read 1.0 ppm.

Dated: April 11, 1983.

Robert V. Brown,
Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[Amended]

Therefore, 40 CFR 180.408 is amended by adding and alphabetically inserting the commodity poultry liver and correcting the tolerance level for melons to read as follows:

§ 180.408 Metalaxyl; tolerances for residues.

Commodities	Parts per million
Melons	1.0
Poultry, liver	0.4

[FR Doc. 83-10452 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2724/R536; PH-FRL 2348-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ethyl 3-Methyl-4-(Methylthio) Phenyl (1-Methylethyl) Phosphoramidate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity okra. This regulation is to establish a maximum permissible level for residues of the nematocide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 20, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section (TS-767C), Registration Division, Environmental Protection Agency, Rm. 716B, CM #2, 1921

Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the *Federal Register* of February 23, 1983 (48 FR 7592), that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2724 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Alabama, Georgia, and Florida.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity okra at 0.3 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the *Federal Register*, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 6, 1983.
Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.349 is revised to read as follows:

§ 180.349 Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate; tolerances for residues.

Tolerances are established for combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl 1-(methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the following raw agricultural commodities:

Commodities	Parts per million
Bananas	0.1
Brussels sprouts	0.1
Cabbage	0.1
Cottonseed	0.05
Okra	0.3
Peanuts	0.02
Peanuts, hulls	0.4
Soybeans	0.05

[FR Doc. 83-10285 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 761

[OPTS-211009; TSH-FRL 2325-4]

Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Denial of Citizen's Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule Related Notice.

SUMMARY: This notice announces EPA's decision to deny a citizen's petition submitted by MET Electrical Testing Company, Inc. (MET) under section 21 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2620). MET requested that EPA amend its polychlorinated biphenyl (PCB) regulations (40 CFR Part 761) to create a new regulatory classification for transformers that contain less than 250 parts per million (ppm) PCBs, and to change the definition of in-service use to eliminate the requirement that the temperature of the dielectric fluid be raised to 50°C. EPA has determined that no new substantive issues were identified in the petition, and that further action is not warranted.

ADDRESS: Copies of the petition and all related information are located in: Document Control Office (TS-793), Office of Pesticides and Toxic

Substances, Environmental Protection Agency, Rm. E-107, 401 M St., SW., Washington, D.C. 20460. They are available for review and copying from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-509, 401 M St., SW., Washington, D.C. 20460, toll free: [800-424-9065]. In Washington, D.C.: [554-1404]. Outside the U.S.A.: [Operator 202-554-1404].

SUPPLEMENTARY INFORMATION:

I. Background

EPA issued a final rule in the *Federal Register* of August 25, 1982 (47 FR 37342) which authorized the use of PCBs in capacitors and the use and servicing of PCBs in electromagnets, circuit breakers, voltage regulators, reclosers, cable, switches, and transformers other than railroad transformers (Electrical Use Rule). The Electrical Use Rule designates transformers containing greater than 500 ppm PCBs as "PCB-Transformers," those containing 50-500 ppm PCBs as "PCB-Contaminated Electrical Equipment," and those containing less than 50 ppm PCBs as "non-PCB Transformers." The Electrical Use Rule establishes use and servicing restrictions for PCB-Transformers and use restrictions and some minor servicing restrictions for PCB-Contaminated Electrical Equipment, but leaves non-PCB Transformers essentially unregulated by EPA (40 CFR 761.30).

The Electrical Use Rule allows the reclassification of a PCB-Transformer to PCB-Contaminated Electrical Equipment or to a non-PCB Transformer provided that the transformer is drained, refilled, or otherwise serviced to reduce the PCB concentration in the transformer. In order to reclassify a transformer, the transformer's dielectric fluid must contain less than 500 ppm PCBs (for reclassification to PCB-Contaminated Electrical Equipment) or less than 50 ppm PCBs (for reclassification to a non-PCB Transformer) after a minimum of three months of in-service use. In-service means that the transformer is used electrically under loaded conditions that raise the temperature of the dielectric fluid to at least 50° C (40 CFR 761.30(a)(2)(v)).

On January 13, 1983, MET petitioned the EPA under section 21 of TSCA to amend its PCB regulations governing the use and servicing of PCBs in electrical equipment. The petition seeks: (1) a new regulatory classification for retrofilled

PCB-Transformers that contain less than 250 ppm PCBs (including a new name for this category of transformer), and (2) a change of the definition of in-service use to eliminate the requirement that the temperature of the dielectric fluid in the retrofilled transformer reach 50° C for purposes of reclassification.

MET argues that EPA should grant its request for the following reasons:

1. The term PCB-Contaminated Transformer for transformers containing less than 250 ppm PCBs is misleading and does not recognize that 250 ppm PCBs is much less hazardous than a concentration of 500 ppm.

2. It is not practically possible to reduce PCB levels in a PCB-Transformer to below 50 ppm for reclassification as a non-PCB Transformer.

3. The creation of a new category will promote the retrofilling of PCB-Transformers.

4. A limited survey suggests that some transformers do not reach 50° C during in-service use.

II. Decision

In the Electrical Use Rule, the Agency issued its determination that the use and servicing of transformers in the manner described in the Rule does not pose an unreasonable risk to public health or the environment. In making this determination, EPA considered the effects of PCBs on human health and the environment, the magnitude of exposure resulting from the use and servicing of electrical equipment, the benefits of PCBs and the availability of substitutes, and the economic and environmental impacts of different regulatory options.

The three classifications for transformers that contain PCBs and the regulatory requirements for these transformers that appear in the Electrical Use Rule were created only after careful consideration of the costs and benefits of many different regulatory options. EPA has reviewed the contents of the MET petition and has concluded that the MET proposal offers no additional benefits to public health or the environment, provides no discernible relief to regulated industries, and raises no new substantive issues that were not already dealt with during the Electrical Use Rulemaking.

EPA has concluded that PCB-Transformers can be reclassified to non-PCB Transformers through retrofilling operations. Information provided during the Electrical Use Rulemaking indicates that the PCB concentration in a mineral oil PCB-Transformer (ranging between 500 ppm and 1,000 ppm) can be reduced to below 50 ppm and allow the PCB-Transformer to be reclassified to a non-PCB Transformer. In addition, although

askarel PCB-Transformers (with an average PCB concentration level of 60 percent in the dielectric fluid) are more difficult to reclassify to non-PCB-Transformers, EPA is aware of at least two companies that have indicated that they have successfully reduced the PCB concentration to below 50 ppm. Although MET has indicated that retrofilling of askarel transformers with the intent of achieving 50 ppm on a permanent basis is not feasible because of PCBs leaching from the core and coil assembly, EPA has concluded that the petition lacks data to support this determination.

EPA has concluded that there is no need for a new regulatory category for reclassified PCB-Transformers that contain less than 250 ppm PCBs. EPA has already recognized the reduced risks posed by transformers containing less than 500 ppm PCBs by eliminating or reducing use and disposal requirements for these transformers. The MET proposal to create a new subcategory neither provides relief to affected industries nor offers discernible benefits to public health or the environment. Similarly, the proposal to create a new name for transformers that contain below 250 ppm provides no discernible benefits.

MET is also seeking a change in the definition of in-service use to eliminate the requirement that the temperature of the dielectric fluid reach 50° C for purposes of reclassification. MET has provided information that indicates that the dielectric fluid in some transformers does not reach 50° C during in-service use. EPA has concluded that the existing regulation provides an adequate alternative to in-service use for purposes of reclassification. Companies may simulate in-service use provided the methodology for the simulation has been approved by the Assistant Administrator for Pesticides and Toxic Substances (40 CFR 761.30(a)(2)(v)). The Assistant Administrator has approved four requests under this provision of the Electrical Use Rule. EPA has concluded that this mechanism could provide the relief requested in the MET petition.

Accordingly, MET's petition for an amendment to the PCB regulations is denied.

III. Official Record for the Petition

The following documents constitute the record for this action:

1. MET Petition to the Environmental Protection Agency, dated January 10, 1983.

2. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use

in Electrical Equipment" published in the Federal Register of August 25, 1982, (47 FR 37342).

3. Record of Telephone Conversation between EPA and Jim Caldwell of Positive Technologies, dated March 1, 1983.

4. Record of Meeting between EPA and Ted Topolski of Environmental International, Inc., dated January 25, 1983.

Dated: April 13, 1983.

Lee L. Verstandig,
Acting Administrator.

[FR Doc. 83-10458 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2200

[Circular No. 2525]

Amendments To Modify Appraisal Procedure and Provide Segregation of Public Lands Subject to Exchange

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking amends the existing regulations on exchanges to clarify and simplify the exchange process. The final rulemaking makes a significant change in the appraisal standards used in determining equal value of the lands and interests in lands subject to an exchange.

EFFECTIVE DATE: May 20, 1983.

ADDRESS: Suggestions or inquiries should be sent to: Director (320), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: David Hemstreet, (202) 343-8693, or Robert C. Bruce, (202) 343-8735.

SUPPLEMENTARY INFORMATION: Proposed rulemaking amending the existing regulations on exchanges was published in the Federal Register on September 23, 1982 (47 FR 42086). Comments were invited for 60 days, ending on November 22, 1982. Comments were received from 25 sources, 13 from business interests, 8 from Federal agencies, 2 from State governments and 2 from conservation organizations.

General Comments

Most of the comments were favorable to the amendments made by the proposed rulemaking to the existing regulations on land exchanges. Only one comment expressed the view that the

existing regulations were satisfactory and should not be changed. A number of the comments were of the opinion that the amendments made by the proposed rulemaking did not go far enough and made suggestions for other amendments. The comments have been carefully analyzed and suggested changes have been incorporated into the final rulemaking wherever possible.

Specific Comments

Section 2200.0-5 Definitions.

One comment recommended that the phrase "as determined by the authorized officer pursuant to § 2201.3 of this part" be inserted in this definition immediately after the amendment made by the proposed rulemaking. This recommendation has not been adopted in the final rulemaking because it is not an appropriate part of the definition of the term "equal value exchange." Further, § 2201.5 gives the authorized officer the authority to determine if an exchange is acceptable, including a determination of whether the lands are of equal value, while § 2201.3 gives the Secretary of the Interior the authority for making the final determination of the value of lands and interests in lands proposed for exchange.

A comment pointed out that the phrase "fair market value," while being removed from most sections of the existing regulations by the proposed rulemaking, was left in paragraph (i) of the definitions section and to make that paragraph consistent with other sections of the regulation, should be removed by the final rulemaking. The final rulemaking amends paragraph (i) removing the phrase "fair market" and replacing it with the word "equal".

Section 2200.3 Lands acquired by exchange.

Most the comments on the amendment of this section made by the proposed rulemaking were favorable to the change. However, two of the comments were of the view that land exchanges should not be exempt from the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The final rulemaking adopts the amendment of the proposed rulemaking that removes the requirement that exchanges be covered by the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act. The reason an exchange should not be subject to that Act is that an exchange is a voluntary action agreed to by the person whose lands are acquired by the United States. No condemnation or eminent domain proceedings are

involved. In addition, the other participant in the exchange receives lands from the United States that have been found acceptable or the exchange would not have been completed. An exchange does not fit the type of transaction envisioned by the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act.

Section 2200.1 Lands subject to disposal by exchange.

One of the comments on the amendment to this section made by the proposed rulemaking requested that the final rulemaking contain language making it clear that an amendment requiring the preparation of an environmental impact statement under § 1601.6-3(b)(2) not be included in the new notice requirements, but require the issuance of a notice of realty action. The language of the amendment specifically limits the coverage of the land use planning notice provision to lands covered by § 1601.6-3(b)(1). In those instances where an environmental impact statement is required in connection with an amendment to the land use plan in order to complete an exchange, a notice of realty action will be issued after the amendment has been completed and the exchange found to be a use covered by the plan.

Another comment on the amendment to this section recommended that the final rulemaking expand the amendment to include lands covered by § 1601.6-3(b)(2). This recommendation was not adopted by the final rulemaking for the reasons set out earlier in this paragraph and because the more complicated requirements of an amendment that require the preparation of an environmental impact statement do not lend themselves to a combined notice.

One comment on this proposed amendment to § 2200.1 suggested that the amendment was more properly a part of § 2201.1(a) than of § 2200.1. The suggestion has been adopted by the final rulemaking and the language of the amendment moved to § 2201.1 because it is more appropriately a part of that section.

Several comments accurately pointed out that the public comment period for notices issued under § 1601.6-3(b)(1) is 30 days while the public comment period for notices of realty action is 45 days. A few of the comments went on to point out that the publication and distribution requirements of the two notices are different and that the final rulemaking should provide that the notice issued under § 1601.6-3(b)(1) meet the requirements of a notice of realty action for publication and distribution.

The final rulemaking amends the language of the proposed rulemaking to clarify both of these points.

Among the comments on this section were several that recommended that land exchange proposal be divorced from the land use planning criteria in 43 CFR Part 1600 and processed exclusively under the public interest criteria of section 206 of the Federal Land Policy and Management Act. The comments made the point that section 206 contains its own mini-planning requirements and there is no legal compulsion to process an exchange under both the planning and public exchange provisions of the Act. The comments were of the view that the removal of what they regarded as a duplicative review process would streamline the exchange process, making it less burdensome and cumbersome. While the suggestions made in the comments have not been adopted by the final rulemaking, the change made by the final rulemaking to this section does streamline the exchange process and uses a single notice system to provide for the required reviews.

A final comment on this section suggested that the final rulemaking amend the regulations to provide for segregation of the public lands covered by an exchange proposal upon posting of the land records that a proposal has been received or initiated. This suggestion has not been adopted by the final rulemaking because of the potential for removal of large acreages of the public lands from appropriation under the public land laws, including the mining laws, for exchange proposals that have little or no chance of being completed. As now required in the regulations, segregation is appropriate at the time the notice of realty action is published, a point in the exchange process when the exchange is likely to be completed.

Section 2201.2 Proposals.

Six comments objected to the proposed rulemaking's removal from section 2201.2 of the requirement that a notice of realty action be published within 10 days of receipt or initiation of an exchange proposal. The reasons for the objection ranged from "the public notice is required by the Federal Land Policy and Management Act" to "the publication requirement clearly facilitates public participation and should not be eliminated," among others. Section 2201.1 of the existing regulations sets the public participation requirements for a notice of realty action, which alerts the public to the

fact that an exchange is being pursued. The requirement in the existing regulations for publication of a notice 10 days after the filing of an exchange proposal is not needed in most instances because the proposal will never become an active exchange case. Many proposals prove unworkable upon close examination and are dropped. The final rulemaking does provide language that will permit the authorized officer to publish a notice if he/she determines that such publication is appropriate. This would permit the authorized officer to publish a notice when the exchange proposal is promising and early public participation is desired, and yet not require publication when the proposal appears to be one that has little or no chance of being completed.

Most comments on the addition of a new paragraph (e) made by the proposed rulemaking were favorable. One of the comments was of the opinion that the new language was not needed because "the possibility that the Department (of the Interior) would have two simultaneous proponents to exchange the same public land seems remote." The final rulemaking adopts the language of the proposed rulemaking because the regulations should provide a process for handling the unlikely event of two proponents filing an exchange proposal for the same public lands.

Another comment on this amendment, while supporting it, recommended that the word "rejection" be substituted for the word "non-acceptance" because of the feeling that the use of the word "non-acceptance" is a derogation of the importance of non-federally initiated exchange proposals. No derogation of the importance of non-federally initiated exchanges was intended in the language of the proposed rulemaking, which has been adopted by the final rulemaking.

Section 2201.3 Valuations.

Thirteen of the comments received on this section of the proposed rulemaking supported the amendment and urged that methods of valuation other than fair market value determinations be extended to all minerals and not limited to oil shale as was done in the proposed rulemaking. An additional two comments on this section recommended that the Department of the Interior go forward with the implementation of the new valuation process for oil shale now but give careful consideration to making it applicable to all minerals in the near future. Only two of the many comments on this section opposed the proposed amendment to this section, stating that it was their view that fair market value appraisals are required by § 102(a)(9) of

the Federal Land Policy and Management Act and neither that Act nor any other law exempts the Department from using fair market value determinations in the case of land exchanges.

Several comments requested that the final rulemaking clarify that alternate valuation methods can only be used for mineral appraisals and then only when the specific conditions of § 2201.3(b) of the proposed rulemaking apply. Other comments pointed out that there are methods other than the one published in the *Federal Register* on October 12, 1982 (47 FR 44888), that could be used to determine equal value of minerals and mineralized lands. The comments asked if the published method is the only alternative to fair market value appraisal under the uniform appraisal standards. The comments outlined a number of alternative methods and recommended that they be included in the final rulemaking. A final comment on this section correctly indicated that although equal value transactions are required by the Federal Land Policy and Management Act, they are not expressly required in the regulations and recommends that the final rulemaking add it to this section.

Section 206(b) of the Federal Land Policy and Management Act provides * * * "(T)he values of the lands exchanged by the Secretary * * * shall be equal." In contrast, the authority for sales of public lands in section 203 of that Act requires public lands to be sold * * * "at a price not less than fair market value * * *". It is clear that Congress established different standards for exchange and sales of public lands, requiring fair market value for lands sold, but only that the values of lands exchanged be equal. Therefore, so long as the Secretary of the Interior, acting through the Bureau of Land Management, determines that lands being exchanged are of equal value, any valid criteria or methodology can be employed in reaching that determination. The determination of the fair market value of each tract is only one acceptable method. The choice of methods to be used depends in large part on the factual situation. The final rulemaking specifies one specific alternative valuation method that may be used only for lands containing oil shale and any associated minerals. After a period of reviewing the effectiveness of this methodology and its application to oil shale lands, other methods and minerals may be added to the regulations. Each time this methodology for determining equal value is utilized, its use must be

confirmed by the Director, Bureau of Land Management. In addition, its use must be fully explained in the notice of realty action and be open to public comment. The final rulemaking revises the language of the proposed rulemaking to clarify the intent of the regulations, to respond to some of the concerns raised in the comments and to include language requiring that an exchange be approved only if it is an equal value exchange.

While not directly related to this section, a comment recommended that the equal valuation methodology be incorporated in the coal lease exchange regulations at § 3435.3-4. This suggestion cannot be adopted as part of this final rulemaking because this final rulemaking cannot amend anything other than Part 2200.

Section 2201.6 Exchange agreement.

Even though this section was not included in the proposed rulemaking, a comment suggested that it be amended to provide for implementation of an exchange agreement prior to completion of field work and issuance of the notice of realty action. The reason given for the suggestion was to provide for early identification of areas of responsibility and conditions of the exchange and to assure the exchange will be pursued in a diligent manner. The suggestion has not been adopted in the final rulemaking for the reason that the exchange agreement, when used, is intended to be a binding document on all parties to the transaction. It is not until after public comments are received and analyzed, formal appraisals are completed on both properties and agreement is reached that values are equal, that enough is known about the exchange for the parties to bind one another in an agreement. However, nothing prevents the parties from entering early in the process into a non-binding written intent to complete an exchange, setting forth the steps to be taken, who is responsible for each step and setting target dates for completing each step. In fact, this approach is encouraged.

Section 2201.7 Acceptance of conveyance and removal of improvements.

A comment suggested the elimination of § 2201.7(a) of the existing regulations which requires the publication of a notice and issuance of conveyance documents in the *Federal Register* upon completion of an exchange. This suggestion has not been adopted by the final rulemaking because that publication provides final constructive notice to the public of completion of the exchange.

The principal author of this final rulemaking is David C. Hemstreet, Division of Lands, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The changes made by this final rulemaking are designed to simplify the exchange process and to speed the processing of exchange proposals. The changes will impact all entities equally and will benefit all of them because the exchange process is open to anyone, regardless of whether a large or small business or other entity wishing to exchange their lands or interests in lands for lands or interests in lands owned by the United States.

List of Subjects in 43 CFR Part 2200

Administrative practices and procedures, National forests, Public lands—classification.

Under the authority of sections 205, 206 and 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1715, 1716, 1732), Part 2200, Group 2200, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

Dated: February 28, 1983.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

§ 2200.5 [Amended]

1. Section 2200.0-5 is amended by: removing the phrase "where fair market value appraisals" and replacing it with the phrase "where valuations."

(a) Amending paragraph (h) by removing the phrase "where fair market value appraisals" and replacing it with the phrase "where valuations"; and

(b) Amending paragraph (i) by removing the phrase "fair market" and replacing it with the word "equal".

§ 2200.3 [Amended]

2. Section 2200.3(e) is removed in its entirety.

3. Section 2201.1 is amended by:

§ 2201.1 [Amended]

(a) Amending paragraph (a) by adding at the end thereof the sentence "The notice published under § 1601.6-3(b)(1) of this title may, if so designated in the notice, serve as the notice of realty action required by this section and may segregate the public lands covered by

the exchange proposal to the same extent that they would have been under a notice of realty action issued under this section if so stated in the notice. Any such notice given under § 1601.6-3(b)(1) shall be published and distributed under the requirements of this section and provide a 45-day comment period."; and

(b) Amending paragraph (e) by removing the phrase "or past" from the last sentence thereof.

§ 2201.2 [Amended]

4. Section 2201.2 is amended by:

a. Amending paragraph (a) by removing from the last sentence thereof the word "shall" and replacing it with the word "may"; and

b. Adding a new paragraph (e) to read:

(e) Where 2 or more exchange proposals are submitted covering the same public lands, in whole or in part, the authorized officer shall review the proposals and advise the exchange proponents as to the acceptance or nonacceptance of their proposals in the same manner as specified in paragraphs (b) through (d) of this section.

5. Section 2201.3 is revised to read:

§ 2201.3 Valuations.

(a) No exchange shall be deemed suitable if it is not an equal value exchange; however, such exchange may include a money equalization pursuant to § 2201.5(c) of this title.

(b) Appraisals to determine whether the lands and interests in lands to be exchanged are of equal value shall be in accordance with the principles in the Interagency Department of Justice publication entitled "Uniform Appraisal Standards for Federal Land Acquisitions."

(c) The authorized officer shall use the "Methodology for an Alternative Method of Determining the Value of Lands for Exchange Containing Oil Shale and Associated Minerals," a guidance document for determining equal value in lieu of an appraisal to determine equal value only for lands containing oil shale and any associated minerals when he/she determines an appraisal to be inappropriate. The Director, Bureau of Land Management, shall review the use of this alternative methodology to determine if it has been properly applied in lieu of an appraisal. When the authorized officer uses the procedures contained in the methodology described herein to determine equal value, the notice of realty action issued in connection with the exchange shall state that the methodology procedures are being used

pursuant to a determination by the Director.

[FR Doc. 83-10472 Filed 4-19-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6368

[W-74730]

Wyoming; Withdrawal for Recreation Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 528.23 acres of public land from surface entry and mining to protect the recreational, scientific, and educational values of Horsethief and Natural Trap Caves. This withdrawal shall remain in effect for a period of 20 years.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-772-2540.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location and entry under the general land laws, including the mining laws (30 U.S.C. Ch. 2), and reserved for the protection of their recreational, scientific, and educational values.

Sixth Principal Meridian

T. 58 N., R. 94 W.,

Sec. 20, lots 1 to 8 inclusive, and S $\frac{1}{4}$ N $\frac{1}{4}$;

Sec. 21, lots 4, 5, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 28, S $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 528.23 acres in Bighorn County, Wyoming.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the effective date of this order.

Inquiries concerning the lands should be addressed to the Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: April 11, 1983.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 83-10426 Filed 4-19-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6373

[ORE-016753]

Oregon; Withdrawal of Public Lands for the Elk Creek Reservoir Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 840.59 acres of public land from surface entry and mining for a period of 100 years in aid of programs of the Corps of Engineers for construction of the Elk Creek Reservoir Project. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws (30 U.S.C. Ch. 2), in aid of the programs of the Corps of Engineers, U.S. Department of the Army, for construction of the Elk Creek Reservoir Project, and for the protection of valuable public resources values, including recreation:

Willamette Meridian

T. 33 S., R. 1 E.,

Sec. 30, E½E½ and NW¼NE¼.

Revested Oregon and California Railroad Grant Lands

T. 32 S., R. 1 E.,

Sec. 33, NE¼NE¼NW¼, S½NE¼NW¼, and SE¼NW¼.

T. 33 S., R. 1 E.,

Sec. 5, NE¼SW¼SE¼ and S½SW¼SE¼;

Sec. 9, W½NE¼NW¼;

Sec. 17, lots 5 and 6;

Sec. 19, E½W½NE¼, NE¼SE¼,

E½NW¼SE¼, S½SW¼NW¼SE¼, and SW¼SE¼;

Sec. 21, S½NW¼SW¼NW¼ and

SW¼SW¼NW¼

Sec. 29, NW¼, N½SW¼, and SW¼SW¼.

The areas described aggregate 840.59 acres in Jackson County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, under the administration of the Bureau of Land Management. The terms and conditions for use and management of the described lands and their related resources will be governed by the February 2, 1973, Memorandum of Agreement between the Secretaries of the Army and the Interior relative to management of land and water resources at existing or proposed projects of the Corps of Engineers located within or partially within areas of lands under the jurisdiction of the Bureau of Land Management and any amendments thereto as well as by any supplemental agreements for the Elk Creek Reservoir Project which may be entered into by the Bureau of Land Management and the Corps of Engineers.

3. The withdrawal shall remain in effect for a period of 100 years from the effective date of this order.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: April 11, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-10492 Filed 4-19-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 510, 512, 514, 523, 524, 527, 531, 533, 536, 540, 542, 543, 544, 547, and 551

OMB Clearance Information

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Regulations containing OMB clearance information are amended to reflect OMB clearance for the reporting requirements contained therein and to delete reference to the expiration dates. The amendment is necessary to comply with the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, telephone: (202) 523-5725.

SUPPLEMENTARY INFORMATION: 44 U.S.C. 3504 requires the Office of Management

and Budget (OMB) to review information collection requests from 10 or more persons undertaken by Federal agencies.

This Commission has received an extension of clearance from OMB for 46 CFR Parts 512, 514 and 544. 44 U.S.C. 3504(c)(3)(A) also requires that notice of OMB's clearance appear in the information collection requests.

The clearance information is presently included in the aforementioned CFR parts; however, they must be amended to reflect OMB's latest clearance advice that expiration dates need not be shown in the Commission's regulations. To minimize future Federal Register publishing costs, as well as staff and administrative costs, other regulations in the CFR are also amended to delete reference to OMB expiration dates.

List of Subjects in 46 CFR Parts 510, 512, 514, 523, 524, 527, 531, 533, 536, 540, 542, 543, 544, 547 and 551

Maritime carriers, Passenger vessels, Rates and fares, Freight forwarders, Environmental protection.

Accordingly, applicable portions of 46 CFR Chapter IV are amended as follows:

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

1. The Authority citation for Part 510 reads as follows:

Authority: Secs. 16, 18, 21, 43, and 44, Shipping Act, 1916; 46 U.S.C. 815, 817, 820, 841a and 841b, unless otherwise noted.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0018."

PART 512—FINANCIAL REPORTS OF COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

1. The Authority citation for Part 512 reads as follows:

Authority: Secs. 18, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 841(a) and secs. 1, 2, 3(a), 3(b), 4 and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 843, 844, 845, 845(a) and 847).

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0008."

PART 514—FINANCIAL EXHIBITS AND SCHEDULES NON-VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

1. The Authority citation for Part 514 reads as follows:

1. Authority: Secs. 18, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 820 and 841(a)) and secs. 1, 2, 3(a), and 3(b), 4 and 7 of the Intercoastal Shipping Act 1933 (46 U.S.C. 843, 844, 845, 845(a) and 847).

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0031."

PART 523—ADMISSION, WITHDRAWAL AND EXPULSION PROVISIONS OF STEAMSHIP CONFERENCE AGREEMENTS

1. The Authority citation for Part 523 reads as follows:

Authority: Secs. 15 and 43, Shipping Act, 1916; 46 U.S.C. 814 and 817.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0038."

PART 524—EXEMPTION OF CERTAIN AGREEMENTS FROM THE REQUIREMENTS OF SECTION 15, SHIPPING ACT, 1916

1. The Authority citation for Part 524 reads as follows:

Authority: Secs. 15, 35 and 43, Shipping Act, 1916; 46 U.S.C. 814, 833a and 841a, unless otherwise noted.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0039."

PART 527—SHIPPERS' REQUESTS AND COMPLAINTS

1. The Authority citation for Part 527 reads as follows:

Authority: Secs. 15, 21, and 43; 46 U.S.C. 814, 820, and 841a.

2. Revise the OMB clearance language following the AUTHORITY citation to read as follows: "OMB Control No. 3072-0007."

PART 531—PUBLISHING, FILING AND POSTING OF TARIFFS IN DOMESTIC OFFSHORE COMMERCE

1. The authority citation for Part 531 reads as follows:

Authority: Secs. 15, 16, 18(a), 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 814-815, 817(a), 820, and 841(a)); secs. 2, 3, and 4 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844-845a).

2. Revise the OMB clearance language following the SOURCE information to

read as follows: "OMB Control No. 3072-0005."

PART 533—FILING OF TARIFFS BY TERMINAL OPERATORS

1. The authority citation for Part 533 reads as follows:

Authority: Secs. 17, 21, 43; 46 U.S.C. 816, 820 and 841a.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0002."

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

1. The authority citation for Part 536 reads as follows:

Authority: Secs. 14b, 15, 16, 17, 18(b), 18(c), 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 813a, 814, 815, 816, 817(b), 817(c), 820, and 841a), unless otherwise noted.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control Nos. 3072-0009, 3072-0042, and 3072-0036."

PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC

1. The authority citation for Part 540, subpart A reads as follows:

Authority: Sec. 3, Pub. L. 89-777, 80 Stat. 1357; (46 U.S.C. 817e).

1. The authority citation for Part 540, Subpart B reads as follows:

Authority: Sec. 2, Pub. L. 89-777, 80 Stat. 1356; (46 U.S.C. 817d).

2. Revise the OMB clearance language following the SOURCE information in both subparts to read as follows: "OMB Control No. 3072-0011."

PART 542—FINANCIAL RESPONSIBILITY FOR WATER POLLUTION

1. The authority citation for Part 542 reads as follows:

Authority: Sec. 311(p) of the Federal Water Pollution Control Act (33 U.S.C. 1321(p), 86 Stat. 862), as amended by the Clean Water Act of 1977 (Pub. L. 95-217, 91 Stat. 1566), and section 3 of Executive Order 11735 (38 FR 21243, 1973).

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0019."

PART 543—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—ALASKA PIPELINE

1. The authority citation for Part 543 reads as follows:

Authority: Sec. 204, Trans-Alaska Pipeline Authorization Act; sec. 311, Federal Water Pollution Control Act (86 Stat. 870); sec. 3, Executive Order 11735.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0016."

PART 544—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—OUTER CONTINENTAL SHELF

1. The authority citation for Part 544 reads as follows:

Authority: Sec. 305(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978 and secs. 1-201 and 1-203 of Executive Order 12123 of Feb. 26, 1979.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0025."

PART 547—PROCEDURES FOR ENVIRONMENTAL POLICY ANALYSIS

1. The authority citation for Part 547 reads as follows:

Authority: Sec. 43 of the Shipping Act, 1916 (46 U.S.C. 841a), sec. 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(b)), unless otherwise noted.

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0035."

PART 551—TRUCK DETENTION AT THE PORT OF NEW YORK

1. The authority citation for Part 551 reads as follows:

Authority: Secs. 17 and 43 Shipping Act, 1916; (46 U.S.C. 816 and 841a).

2. Revise the OMB clearance language following the SOURCE information to read as follows: "OMB Control No. 3072-0010."

Effective date. Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective upon publication in the Federal Register.

By the Commission, April 12, 1983.

Francis C. Hurney,
Secretary.

[FR Doc. 83-10440 Filed 4-19-83; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 30408-55]

Foreign Fishing—Northwest Atlantic Ocean Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; technical amendment.

SUMMARY: This document amends a regulation for foreign fishing in the Northwest Atlantic fishery that designates the time and location of U.S. Coast Guard broadcasts to conform to current practice. The broadcasts specify the location of U.S. fixed gear. The U.S. Coast Guard has requested this amendment for the convenience of the fishermen enabling them to access an

additional channel to receive these broadcasts.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT:

Shirley Whitted, 202-634-7432.

SUPPLEMENTARY INFORMATION:**List of Subjects in 50 CFR Part 611**

Fish, Fisheries, Foreign relations, Reporting requirements.

§ 611.50 [Amended]

Accordingly, NOAA amends 50 CFR 611.50 by adding after the first sentence in paragraph (d)(2) a new sentence to read as follows: "Broadcast is made on 8502 kHz via simultaneous keying."

(16 U.S.C. 1801 *et seq.*, unless otherwise noted)

Dated: April 15, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-10511 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 48, No. 77

Wednesday, April 20, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 967

Celery Grown in Florida; Proposed Reestablishment and Reapportionment of Committee Membership

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Proposed rule.

SUMMARY: This proposed rule would reduce the number of members serving on the Florida Celery Committee from sixteen to twelve, to reflect the declining number of celery producers and handlers in Florida. The reduction in committee size would eliminate three positions in the South Florida District and one position in the Central Florida District.

DATE: Comments due April 26, 1983.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, Washington, D.C. 20250 (202) 447-2615.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action relates to industry representation on the marketing order administrative committee and will not

significantly affect costs for the handlers regulated under the program.

Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967), regulate the handling of celery grown in Florida. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Florida Celery Committee, established under the order, is responsible for its local administration.

The order currently provides for a committee of sixteen members and their alternates. One member represents the public, and the remaining fifteen are industry representatives. Due to a decline in the number of Florida celery growers and handlers, it has been difficult to fill all positions on the committee. For this reason, the order was recently amended to authorize the reestablishment of the number of industry members on the committee.

After careful consideration of all relevant factors, including the total number of growers and handlers currently active in the production area, the committee unanimously recommended that it be reestablished to consist of twelve members by reducing the number of industry representatives from 15 to 11. Such a change would result in more efficient administration of the program.

The committee further recommended that this reduction be accomplished by eliminating three positions in the South Florida District and one position in the Central Florida District. Representation of the other groups would remain unchanged. The committee has determined that such a reapportionment would provide adequate and equitable industry representation in view of the current distribution of celery production and shipments among the five established groups.

List of Subjects in 7 CFR Part 967

Marketing agreements and orders, Celery, Florida.

PART 967—CELERY GROWN IN FLORIDA

Sections 967.135 and 967.136 would be added to read as follows:

§ 967.135 Reestablishment of committee.

Pursuant to § 967.25(b), the Florida Celery Committee is reestablished to

consist of 12 members, including eleven producer or handler members and one public member.

§ 967.136 Reapportionment of committee membership.

Pursuant to § 967.27(g), industry membership on the Florida Celery Committee shall be reapportioned among groups as follows:

(a) Group 1—Two members and their alternates.

(b) Group 2—Two members and their alternates.

(c) Group 3—Two members and their alternates.

(d) Group 4—Two members and their alternates.

(e) Group 5—Three members and their alternates.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 14, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-10385 Filed 4-19-83; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 543, 544, 552, 563b, and 569

[No. 83-195]

Charters and Bylaws Available to Federal Associations and Savings Banks

Dated: April 6, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is proposing certain revisions to its regulations regarding the charters and bylaws of Federally chartered mutual and stock saving and loan associations and savings banks. The proposed amendments would establish a single charter requirement for Federal mutual institutions, whether they are savings and loan associations or savings banks, and a single charter requirement for both of those types of Federal stock institutions. The provisions of the proposed new Federal charters would be updated and, where necessary, clarified. The Board also

proposes to eliminate prescribed bylaws and instead to adopt regulatory standards by which Federal institutions could fashion their own bylaws. The Board would retain updated versions of the current bylaws as models for Federal institutions. The charters and bylaws of existing institutions would not be affected by the amendments except to the extent an institution chose to amend its charter or bylaws to conform to the revised regulations. The Board also proposes to amend the rules governing proxies for interests in mutual institutions to require that certain proxies run to the board of directors in order to ensure operational continuity. The proposal is intended to simplify and streamline the regulations governing charters and bylaws by updating and clarifying the charters and replacing bylaw requirements with standards governing internal management.

DATE: Comments Must be Received by: June 19, 1983.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

In regard to Federally chartered mutual institutions, David A. Permut, Attorney, Division of Corporate and Regulatory Structure, Office of General Counsel (202-377-6962), and in regard to Federally chartered stock institutions, James C. Stewart, Attorney, Division of Securities and Corporate Analysis, Office of General Counsel (202-377-6457), Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION:

Background

The Board proposes to revise the charters and bylaws prescribed for Federal savings and loan associations and Federal savings banks (collectively referred to as "Federal institutions"). The basic chartering authority of the Board is stated in Section 5(a) of the Home Owners' Loan Act of 1933 (HOLA), as amended by Section 311 of the Garn-St Germain Depository Institutions Act of 1982:

In order to provide thrift institutions for the deposit or investment of funds and for the extension of credit for homes and other goods and services, the Board is authorized, under such rules and regulations as it may prescribe, to provide for the organization, incorporation, examination, operation, and regulation of associations to be known as Federal savings and loan associations, or Federal savings banks, and to issue charters

therefor, giving primary consideration to the best practices of thrift institutions in the United States. The lending and investment authorities are conferred by this section to provide such institutions the flexibility necessary to maintain their role of providing credit for housing.

Pub. L. No. 97-320, section 311, 96 Stat. 1469, 1496 (1982). Within these parameters, it has often been stated, the Board has the authority to regulate Federal institutions from their corporate cradles to their corporate graves. *People v. Coast Federal Savings and Loan Ass'n*, 98 F. Supp 311, 316 (S.D. Cal. 1951). The breadth of this authority has been affirmed by the Supreme Court which has recently written that the predecessor language of Section 5(a) expressed no limits on the authority of the Board to regulate the operations of federal associations. *Fidelity Federal Savings and Loan Ass'n v. de la Cuesta*, 50 U.S.L.W. 4916, 4921 (U.S. June 28, 1982).

Pursuant to its chartering authority under Section 5(a) of the Home Owners' Loan Act, the Board has traditionally required Federal institutions to adopt the charters and bylaws set forth in the Regulations for the Federal Saving and Loan System ("Federal Regulations"). See 12 CFR 544.1(a)-(c); 544.5; 544.5-1 552.2; and 552.5. Whenever the statutory authority of Federal institutions has been expanded or altered, new charters were introduced and Federal institutions were given the option of adopting the new charters or retaining their old charters. This procedure has resulted in a variety of available charters, some of which have outmoded provisions. In addition, the practice of prescribing bylaws has unnecessarily involved the Board in routine matters of corporate governance, since under the current regulations every deviation from the prescribed bylaws is required to be approved by the Board. Accordingly, the Board has undertaken to simplify and streamline the regulations governing charters and bylaws. Specifically, the Board proposes to update and clarify the charters and to replace the current system of prescribed bylaws with a body of regulatory standards governing internal management.

A. Charters

1. Federal Mutual Savings and Loan Associations and Mutual Savings Banks

The charters for both Federal mutual savings and loan associations (Charters L and N (Rev.)) and Federal mutual savings banks (Charter B (Rev.)) are currently contained in § 544.1 of the Federal Regulations. The Charter N (Rev.) is set out at § 544.1(a), the Charter L appears at § 544.1(b), and the Charter

B (Rev.) at § 544.1(c). Preapproved amendments to the savings and loan association charters appear at § 544.2, while preapproved amendments to the savings bank charters appear at § 544.2-1 and 544.2-2.

The Board proposes to amend § 544.1 to create one Federal mutual charter. Any existing institution may retain its present charter and adopt any or all of the proposed changes in accordance with its current charter provisions. As proposed, the new charter would contain many of the previously preapproved amendments to Federal charters and would remove outmoded sections. The preapproved amendments remaining at § 544.2 would contain sections providing increased operating options to Federal mutual-type institutions.

The proposed Federal mutual charter contains a simple statement of purpose and powers. Some legal writers, however, recommend that corporate charters include a detailed statement of powers because the directors of a corporation are more likely to refer to their charter than to regulations in determining their authority. K. Pantzer & R. Deer, *The Drafting of Corporate Charters and Bylaws* 34-40 (ALI-ABA 1968). To accommodate both schools of thought, the Board proposes to give mutual institutions the option of adopting a more detailed powers section by enacting the additional preapproved language found at § 544.2(a). Federal mutual savings banks would include an additional sentence describing their expanded powers, whether or not they choose the optional detailed powers section.

The proposal would allow for a board of directors or trustees of five to fifteen members unless otherwise approved by the Board, but would require that an odd number be set. Federal mutual savings banks could denominate their board of directors or trustees, in recognition of the many Federal mutual savings and loan associations which have expressed an intention to convert into Federal mutual savings banks. Pursuant to § 543.11, converting state-chartered savings banks choosing the Federal savings bank charter could add a provision to phase in over a six-year period the election of their boards to conform to the charter requirements.

The proposal would make savers and holders of demand accounts the only voting members. Borrowers and credit card holders would no longer have voting rights. However, an existing institution with borrowers or credit card holders as members could grandfather such members if it chose to adopt the

new charter. The Board specifically requests comment on whether the maximum number of votes a member may exercise should be increased to 1,000 from the current maximum of 400.

The proposed charter would remove language regarding record dates and make such provision part of the bylaws. The withdrawals provision would be removed entirely; the Board has found that the shorter withdrawals provision currently found in the Charter N (Rev.) is unnecessarily redundant in view of the coverage of the statement of purposes and that the longer withdrawals provision currently found in the Charter L, with its system of rotation, is outmoded and unnecessary. The redemption provision would also be deleted because it is covered by the regulations where necessary, although the Board would allow an institution choosing the longer powers provision to mention the possibility of redemption.

In addition to modernizing language, the proposed charter would significantly change the amendment process. Currently, the separate amendment provisions require associations or savings banks to submit proposed amendments, including preapproved amendments, to the Board prior to submission to its members. If approved by the Board and adopted by the members, a proposed amendment must still be resubmitted to the Board for final approval. The Board believes this amendment procedure is cumbersome and unnecessary. Accordingly, the Board proposes to require, instead of a final approval, merely a filing with the Board in accordance with newly established filing procedures set out at § 544.2. Such filing would include evidence that the preapproved amendment has been approved by the members at a legal meeting. Any other amendment would still need to be preliminarily submitted to and approved by the Board, prior to member approval.

Under the proposal, any or all sections of the new charters or the preapproved charter amendments could be adopted by any existing institution by a vote of the members and a filing with the Board as described above. Any charter amendment not specified in §§ 544.1 or 544.2 would require prior approval by the Board before it could be adopted by an institution. Several sections of Part 543 would be amended to reflect that the Board would no longer issue the actual charter or bylaw documents.

2. Federal Stock Savings and Loan Associations and Stock Savings Banks

The charters for both Federal stock savings and loan associations (Charter

S) and Federal stock savings banks (Charter T) are currently contained in § 552.3 of the Federal Regulations. Preapproved optional charter provisions are set forth in § 552.4.

The proposal retains the basic format of Charters S and T. The more general term "institution" would be substituted for the terms "association" and "bank". The first four sections of the proposed stock charter (dealing with title, home office, duration, and powers) would employ the simplified language of the new mutual charter. The current short Purpose and Powers Section (renumbered as Section 4) would be retained. Federal stock savings banks would include an additional sentence describing their expanded powers.

It is required under current Section 5 that a stock institution secure shareholder approval before issuing shares of authorized capital stock exceeding 15 percent of the capital stock then outstanding. This provision is not found in the corporation statutes of most states, and it may subject Federal stock institutions to a competitive financing disadvantage compared to state-chartered institutions. Therefore, the Board proposes to delete this provision as a required provision. Federal Regulation § 552.13(i)(3), which requires a stockholder vote in the event voting shares issued by a resulting institution in connection with a merger exceed 15 percent of the outstanding shares will continue to apply to Federal stock institutions. In addition, the Board proposes to include the 15 percent provision as a preapproved amendment in § 552.5 so that the provision could still be adopted by institutions that consider its benefits to shareholders to outweigh its disadvantages. Moreover, the Board specifically requests comments addressing the general question of what voting rights should be extended to stockholders in connection with all forms of significant transactions. In Section 5, the Board also proposes to clarify the circumstances in which Federal institutions may take property in payment for shares by adding appropriate limiting language.

Section 7, which establishes a liquidation account for the protection of former members of a converted mutual association, would no longer be included in the basic stock charter since that requirement would be made part of the Board's Conversion Regulations. 12 CFR Part 563b. The only change proposed for Section 8 governing directors is that the authorized number of directors must not be even and must not be more than fifteen. The minimum number would remain at seven.

The Board proposes to revise the procedures for charter amendment. Currently, Section 9 requires institutions to submit proposed amendments other than preapproved amendments to the Board prior to submission to the shareholders. If approved by the Board and adopted by the shareholders, the amendment must be resubmitted to the Board for final approval. As discussed in connection with the similar proposed revision of the mutual charter, it has been the Board's experience that the final approval procedure is essentially ministerial since proposed amendments are reviewed as part of the preliminary approval process. Accordingly, the Board proposes to dispense with final approvals. Properly authorized and adopted amendments would become effective upon filing with the Secretary to the Board. A copy of the amendment would also be sent to the Supervisory Agent. Such filing would entail no substantive review. Institutions would be responsible for ensuring that the amendments comport substantively and procedurally with the regulations since inconsistent charter provisions would be invalid.

The Board also is proposing additional changes to the preapproved optional provisions of § 552.4. The optional provisions regarding name changes and net-worth certificates would be retained. The proposal would add an additional preapproval for an amendment to redesignate the home office after the institution had complied with Federal Regulation § 545.15.

The Board also proposes to revise the language used in describing the voting powers of preferred stock. Optional Section 5 currently forbids class voting by preferred shareholders except with respect to an amendment to the charter which would "adversely change the specific terms of the class." The Board proposes to expand the circumstances under which preferred shareholders may vote to include class voting on defaults in dividend payments or scheduled redemptions and on major corporate transactions such as mergers or consolidations. These revisions reflect the minimum voting criteria for preferred stock listed on the New York Stock Exchange. See New York Stock Exchange Company Manual section A15. The exact circumstances for the exercise of voting power would be established by the institution's board of directors in supplemental sections to Section 5.

The other major proposed revisions to optional Section 5 involve a restructuring of the provisions for issuance of preferred stock. Currently,

Federal stock institutions have a choice of issuing preferred stock in separate classes with different preferences or as a single class in series with the same preference but differences in terms. The Board proposes to consolidate these provisions to allow Federal stock institutions to authorize classes of preferred which subsequently may be issued in series. Each new class would require a charter amendment and approval of the Board. Series within a class could be established by the board of directors if this were permitted by shareholders. No approval by the Board of the terms of preferred stock would be required. The current permissible distinctions between series of preferred would remain unchanged under the new charter.

In its recent amendments to the Conversion Regulations, 12 CFR Part 563b, in Resolution No. 83-149, dated March 17, 1983, the Board eliminated the prescribed language for anti-takeover provisions formerly contained in § 552.4. That resolution also amended the Conversion Regulations to allow converted institutions to adopt any charter provision limiting acquisitions of stock not inconsistent with state law. At present, any other stock institution would have to submit such a proposed amendment to the Board for preliminary approval. The Board requests comment on whether § 552.4 should contain guidance for stock institutions with respect to the terms of permissible anti-takeover provisions or whether the present open-ended procedure is preferable.

3. Effect on Existing Charters

The Board does not propose to require Federal institutions to amend their charters to conform with the proposal. Institutions that desire to adopt specific provisions or entirely new charters would be free to do so in accordance with procedures of their current charters.

To clarify the effect of changes in the regulations and charters of existing institutions, the Board proposes to add new provisions at §§ 554.6 and 552.16 stating that the legality of any transaction undertaken by an institution shall be judged by the bylaws and charter then in effect notwithstanding any amendment to either. The Board also proposes to adopt a new § 543.14 to clarify that the corporate existence of an institution which converts or amends its charter continues.

B. Bylaws

The Board currently has prescribed bylaws for Federally chartered institutions and all proposed

amendments to those bylaws must be approved by the Board. The Board believes that its resources will be most effectively used if the concept of prescribed bylaws were eliminated in favor of regulatory requirements for internal corporate governance. Federal institutions would be required to adopt bylaws that complied with those requirements.

1. Federal Mutual Institutions

The Charter L and Charter N (Rev.) bylaws are successors to the bylaws in connection with the original Charter K, an early type of Federal association charter adopted by the Board. The Charter K bylaws were a compilation of the best practices of state association bylaws at that time. Charter B (Rev.) bylaws, for Federal mutual savings banks, were drafted and adopted by the Board in 1979. These bylaws are similar to the Charter N (Rev.) and Charter L bylaws. Over the years, the bylaws for Federal mutual savings and loan associations were standardized and became mandatory to ensure fairness in the operation of such institutions. The Board has become aware, however, that 50 years of usage of these bylaws has led to a policy of inflexible uniformity, unless an institution could show that a proposed change in the bylaws should be made for all Federal institutions.

The Board believes that Federal institutions should have flexibility in internal operations, especially in today's deregulated, competitive environment. Of course, certain requirements are necessary to ensure sound corporate governance, fairness to shareholders or account holders, and conformity with applicable federal statutes, rules, and regulations, and the institution's charter.

Under the proposal, all Federal mutual institutions would be permitted to adopt bylaws in accordance with these changes whether or not a new charter were adopted.

The Board proposes to amend §§ 554.5, 554.5-1, 554.6 and 554.6-1 of its regulations to delete the existing bylaw language and allow an institution to create its own bylaws as long as such bylaws at least cover the areas listed below. This arrangement is in accordance with the Model Business Corporation Act ("MBCA") and the best practice of state-chartered mutual associations as derived from state corporate codes. At a minimum the bylaws would:

1. Require an annual meeting
2. Specify notice procedures for the annual meeting
3. Fix a record date to determine voting rights

4. Establish procedures for voting by proxy pursuant to 12 CFR Part 569
5. Determine the number of directors/trustees
6. Establish procedures to govern meetings of directors/trustees
7. Specify powers of the board of directors/trustees
8. Govern communications between members pursuant to 12 CFR 545.28
9. Establish procedures for amending the bylaws

A more extensive discussion of each of the above areas is provided in new § 545.5. The proposal also provides model language for bylaws to be located as an appendix after section 544.5. Use of the model language would assure an institution's compliance with regulatory requirements. However, such language should in no way preclude an institution from adopting its own bylaws to meet its own internal operating needs as long as such bylaws are in accordance with law and Board regulations. The proposal would require the filing of all bylaws and amendments thereto with the Secretary to the Board.

2. Federal Stock Institutions

In formulating proposed requirements, the Board has focused on those matters essential to sound corporate governance. In so doing, the Board does not wish to diminish the current rights of shareholders or relieve management of its responsibilities. The proposed requirements draw heavily on the MBCA, on which the current bylaws are also based.

a. *Rights of Shareholders.* Proposed § 552.6 is concerned with the rights of shareholders, a matter currently addressed in Article II of the mandatory bylaws. Paragraph (a) of proposed section 552.6 would retain the current requirement that the institution hold an annual shareholders' meeting within 120 days after the end of its fiscal year. Paragraph (a) also would preserve the right of the board of directors and of holders of more than ten percent of the institution's outstanding stock to call a special meeting. All meetings would be required to be held, at such place as the board of directors may determine, in the state in which the institution has its principal place of business. The shareholder notice provisions of Article II, Section 5 would be incorporated in § 552.6(b). This section differs slightly from the MBCA in that it specifies an additional notice to shareholders when a meeting is adjourned for more than thirty days. The proposal, however, would delete the requirement of posting notice at the office of the institution.

Paragraph (c) of § 552.6 would incorporate the Article II, Section 5 record date period of twenty and sixty days. Unlike the MBCA, the Board's rules do not provide for closing the transfer books of the institution prior to the meetings. Paragraph (d) would adopt the Article II, Section 6 requirements regarding the preparation and dissemination of shareholder lists. Proposed paragraph (d) of § 552.6 would also incorporate the optional provision for disseminating shareholder communications now found in § 552.14, which would be deleted. The shareholder quorum requirement of Article II, Section 8 would appear as paragraph (e) of § 552.6. Paragraph (f) would govern shareholder voting and incorporate provisions from Article II, Sections 9, 11, 12. Paragraph (f)(1) would authorize voting by proxy and establish a maximum lifetime of eleven months for proxies not coupled with an interest. Paragraph (f)(2) would state the general prohibition against a corporation voting its own shares. See MBCA section 33. Paragraph (f)(3) would set forth the procedure for exercise of the cumulative voting rights conferred by Section 5 of the stock charter. Paragraph (g) would maintain the right of The shareholders to submit nominations and new business for consideration at annual meetings. Although not found in the MBCA, the Board is of the view that this is a significant right that should not be abridged.

b. *Board of Directors.* The most essential provisions of Article III regarding the board of directors would be placed in Section 522.6-1. Paragraph (a) would establish the basic responsibility of the board of directors for the management of the institution. It also would establish the offices of chairman and president both of whom must be appointed annually. Paragraph (b) would limit the number of directors on the board and would require their separation into three classes with three-year terms. The latter provision is generally optional with private corporations but, in the Board's view, fosters management continuity. Paragraph (c) would continue the requirement of a directors' meeting immediately following the annual meeting of shareholders. In order to prevent deadlocks, paragraph (d) would require only a majority of directors for a quorum. Vacancies on the board would be filled in accordance with paragraph (e), which would incorporate the existing provisions of Article III, Section 11. Paragraph (f) would provide a procedure based on MCBA section 39 for removal of directors for cause or by

vote of the shareholders. Reflecting the proposed expanded voting power of preferred shareholders, paragraph (f) would set forth special provisions for directors elected by preferred shareholders voting as a class. Consistent with past policy, however, directors could only be removed with cause. Paragraph (g) would define the authority of the board of directors to establish executive and other committees. Paragraph (h) would incorporate the notice provisions of Article III, Section 5, but delete the five-day deadline of the current bylaw. Paragraph (i) would provide the board of directors with the authority to take action without a meeting and follows MBCA section 44. Paragraph (j) would continue the presumption that a director has assented to any action taken at a board meeting unless the director has registered a dissent or abstention.

c. *Officers.* Section 552.6-2 would authorize the board of directors to delegate management authority to officers. Paragraph (b) would require that officers be subject to removal for cause. Paragraph (b) also refers to 12 CFR 545.25-1 to clarify the contractual terms on which officers may be retained. The remaining provisions of Article V regarding officers and Article VI governing delegations of authority for specific acts such as making loans would be left to the discretion of the board of directors.

d. *Shares, Fiscal Year, Annual Audit.* Section 552.6-3 would incorporate the requirements for share certificates and certificate transfers currently found in Article VII of the bylaws. Section 552.6-4 would require the bylaws to state a fiscal year for the institution and would continue the requirement of an annual audit.

The provisions of current Article IX, which reserve to the directors the right to declare dividends, would not be set forth since this power is implicit in Section 5 of the stock charter.

e. *Amendment of Bylaws.* The current bylaws require that all amendments be approved by the Board. As proposed, Board review of bylaw amendments would no longer be required since bylaws that do not comply with the Board's regulations simply would be invalid. However, to preserve flexibility, proposed § 552.5 would provide that the Board could approve a bylaw that did not comply with §§ 552.6 through 552.6-4.

D. Proxies

The Board also proposes to revise the language used in Part 569 concerning the holders of proxies for Federally chartered mutual savings and loan

associations and savings banks. The Board has become aware of a number of situations where proxies of Federal mutual institutions have run to persons other than the elected board of directors as a whole. In some cases, such proxies have been used either to negate the management policies of the institution or to hamper day-to-day operations. The Board believes that any member has the right to vote at a meeting, but that if a proxy is given with a term greater than eleven months or is solicited at the expense of the institution, it must run to the board of directors or trustees as a whole. This would ensure that the functions and responsibilities of the board of directors are not preempted and would promote continuity of operations. Accordingly, the Board is proposing to amend § 569.3 to so provide. The Board suggests that management could easily come into compliance with the amendment to § 569.3 by arranging for assignment of proxies to the appropriate board as a whole. The Board specifically seeks comments as to the proposed required timing, August 31, 1983, for the resolicitation of proxies.

Initial Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (1980), the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objectives and legal bases underlying the proposed rule.* These elements are incorporated above in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rules would apply.* The proposed rules would apply equally to all institutions chartered by the Board.

3. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposal.

4. *Alternatives to the proposed rules.* To the extent that any institution determines to adopt a new charter or amend its bylaws, the proposed regulation would benefit its operations. Increased flexibility as well as increased powers for Federal institutions would result from this regulation. The proposed regulation would not have a disproportionate impact on small institutions. The Board is willing to consider and specifically solicits comments regarding alternative proposals.

List of Subjects in 12 CFR Parts 543, 544, 552, 563b, and 569

Savings and loan associations,
Savings banks.

Accordingly, the Board hereby proposes to amend Parts 543, 544, and 552 of Subchapter C, and Parts 563b and 569 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION OF FEDERAL MUTUAL ASSOCIATIONS

§ 543.1 [Amended]

1. Amend § 543.1(b) by removing the phrase "§ 544.2(i) or § 544.2-2" and inserting in lieu thereof the reference "§ 544.2(b)(1)".

2. Amend § 543.2 by adding a sentence after the third sentence of paragraph (b) as follows:

§ 543.2 Application for permission to organize.

(b) *Form; supporting information.*
* * * The applicants shall provide a copy of the proposed charter and bylaws including any preapproved charter provisions specifically requested.
* * *

§ 543.5 Issuance of charter.

Board approval of the organization of a Federal mutual institution or the conversion of an insured institution to Federal mutual form shall constitute issuance of a charter and shall be final, provided that the institution files its charter with the Board in accordance with the procedures set out at § 544.2(a) of this subchapter. The charter shall conform with the requirements of § 544.1 of this Subchapter, the permissible provisions of § 544.2, or other provisions specifically approved by the Board.

§ 543.11 [Amended]

4. Amend § 543.11(a) by inserting the parenthetical phrase "(who may also be known as a board of directors)" after the word "trustees", and by removing the phrase "issued pursuant to § 544.2-2" and inserting in lieu thereof the phrase "approved by the Board pursuant to § 544.1 of this Subchapter".

5. Add a new § 543.14 to read as follows:

§ 543.14 Continuity of existence.

The corporate existence of an institution converting under this Part or under § 544.3 shall continue in its successor. Each savings accountholder

shall receive a savings account or accounts in the converted institution equal in amount to the value of accounts held in the former institution.

PART 544—CHARTER AND BYLAWS

6. Revise § 544.1 as follows:

§ 544.1 Federal mutual charter.

When the board approves an Application for Permission to Organize for a Federal mutual institution that is a Federal savings and loan association or savings bank, or approves an Application for Conversion to a Federal savings and loan association or savings bank pursuant to §§ 543.8 and 543.9 of this Subchapter or § 544.3 of this Part, the institution shall have a charter in the following form, or a form which includes any of the additional provisions set forth in § 544.2 of this Part, if such provisions are specifically requested. A charter for a Federal mutual savings bank shall include the following sentence at the end of Section 4: "In addition, the institution may make any investment and engage in any activity as may be specifically authorized by action of the Board, including by delegated authority, in connection with action approving the issuance of the charter."

Federal Mutual Charter

1. *Corporate title.* The full corporate title of the Federal institution hereby chartered is

2. *Office.* The home office shall be located at

3. *Duration.* The duration of the institution is perpetual.

4. *Purpose and powers.* The purpose of the institution is to pursue any or all of the lawful objectives of a Federal mutual institution chartered under Section 5 of the Home Owners' Loan Act and to exercise all the express, implied, and incidental powers conferred thereby and by all acts amendatory thereof and supplemental thereto, subject to the Constitution and laws of the United States as they are now in effect, or as they may hereafter be amended, and subject to all lawful and applicable rules, regulations, and orders of the Federal Home Loan Bank Board ("Board").

5. *Capital.* The institution may raise capital by accepting payments on savings and demand accounts and by any other means authorized by the Board.

6. *Members.* All holders of the institution's savings, demand, or other authorized accounts are members of the institution. In the consideration of all questions requiring action by the members of the institution, each holder of an account shall be permitted to cast one vote for each \$100, or fraction thereof, of the withdrawal value of the member's account. [Institutions adopting this charter with existing borrower members may grandfather only those borrower members who were members as of the date of issuance of the new charter by the Board. Borrowers as of the date of this charter shall continue to

have one vote for the period of time such borrowings are in existence.] No member, however, shall cast more than 400 votes. Voting may be by proxy, which is subject to the rules and regulations of the Board. Any number of members present at a regular or special meeting of the members shall constitute a quorum. A majority of all votes cast at any meeting of the members shall determine any question. All accounts shall be nonassessable.

7. *Directors [Trustees].* The institution shall be under the direction of a board of directors [trustees]. The authorized number of directors [trustees] shall not be an even number and shall not be fewer than five nor more than fifteen persons, as fixed in the institution's bylaws, except that the number of directors [trustees] may be increased to a number greater than fifteen with the prior approval of the Board. Each director [trustee] of the institution shall be a member of the institution. Directors [trustees] of the institution shall be elected by its members by ballot: *Provided*, that the event of a vacancy on the board, the board of directors [trustees] may fill such vacancy, if the members of the institution fail to do so, by electing a director [trustee] to serve until the next annual meeting of the members. Directors [trustees] shall be elected for periods of three years and until their successors are elected and qualified, but provision shall be made for the election of approximately one-third of the board each year.

[State-chartered savings banks converting into Federal savings banks may include alternative provisions for the election and term of office of trustees [directors] so long as such provisions: (i) Are authorized by the Board, including authorization pursuant to delegated authority, and (ii) provide for compliance with the standard provisions of this section no later than six years after the conversion to a Federal institution.]

8. *Reserves, surplus, and distribution of earnings.* The institution shall maintain for the purpose of meeting losses the amount of general reserves that the Board requires by regulation; such reserves shall include the reserve required for insurance of accounts. Any losses may be charged against general reserves. The institution shall distribute net earnings on its accounts on such basis and in accordance with such terms and conditions as may from time to time be authorized by the Board: *Provided*, that the institution may establish minimum balance requirements for accounts to be eligible for distribution of earnings.

All holders of accounts of the institution shall be entitled to equal distribution of assets, *pro rata* to the value of their accounts, in the event of voluntary or involuntary liquidation, dissolution, or winding up of the institution. Moreover, in any such event, or in any other situation in which the priority of such accounts is in controversy, all such accounts shall, to the extent of their withdrawal value, be debts of the institution having the same priority as the claims of general creditors of the institution not having priority (other than any priority arising or resulting from consensual subordination) over other general creditors of the institution.

9. *Amendment of charter.* Adoption of any preapproved charter amendment pursuant to § 544.2 or 544.3 of the Board's regulations shall be effective upon filing the amendment with the Board in accordance with regulatory procedures, after such preapproved amendment has been submitted to and approved by the members at a legal meeting. Any other amendment, addition, alteration, change, or repeal of this charter must be submitted to and preliminarily approved by the Board prior to submission to and approval by the members at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective upon filing with the Board in accordance with regulatory procedures. Federal Home Loan Bank Board.
Attest: Secretary _____
By: _____

7. Revise § 544.2 as follows:

§ 544.2 *Charter amendments.*

(a) Whenever a Federal mutual institution completes the procedures necessary to amend its charter, or add supplementary sections thereto, the institution shall submit one signed and three conformed copies of such amendment, along with a certification by the secretary of the institution that the amendment is validly authorized and approved, to the Secretary to the Board who shall return a copy of the charter amendment stamped to demonstrate its filing to the institution. The institution shall also file one copy of such amendment with the Federal Home Loan Bank of which it is a member.

(b) This section constitutes preliminary approval by the Board of any of the following amendments to the charter of a Federal mutual institution, including the adoption of any or all sections of the Federal mutual charter as set forth in § 544.1 of this Part: *Provided*, that the institution follows the requirements of its charter in adopting the amendments.

(1) *Purpose and powers.* Add a second paragraph to Section 4 as follows:

4. *Purpose and powers.* * * * The institution shall have the express power: (i) To act as fiscal agent of the United States when designated for that purpose by the Secretary of the Treasury, under such regulations as the Secretary may prescribe, to perform all such reasonable duties as fiscal agent of the United States as may be required, and to act as agent for any other instrumentality of the United States when designated for that purpose by any such instrumentality; (ii) To sue and be sued, complain and defend in any court of law or equity; (iii) To have a corporate seal, affixed by imprint, facsimile or otherwise; (iv) To appoint officers and agents as its business shall require and allow them suitable compensation; (v) To adopt bylaws not inconsistent with the Constitution or laws of the United States and rules and regulations

adopted thereunder and under this Charter; (vi) To raise capital, which shall be unlimited, by accepting payments on savings, demand, or other accounts, as are authorized by regulations made by the Board, and the holders of all such accounts or other accounts as shall, to such extent as may be provided by such regulations, be members of the institution and shall have such voting rights and such other rights as are thereby provided; (vii) To issue notes, bonds, debentures, or other obligations, or securities, provided by or under any provision of Federal statute as from time to time is in effect; (viii) To provide for redemption of insured accounts; (ix) To borrow money without limitation and pledge and otherwise encumber any of its assets to secure its debts; (x) To lend and otherwise invest its funds as authorized by statute and the rules and regulations of the Board; (xi) To wind up and dissolve, merge, consolidate, convert, or reorganize; (xii) To purchase, hold, and convey real estate and personalty consistent with its objects, purposes, and powers; (xiii) To mortgage or lease any real estate and personalty and take such property by gift, devise, or bequest; and (xiv) To exercise all powers conferred by law. In addition to the foregoing powers expressly enumerated, this institution shall have power to do all things reasonably incident to the accomplishment of its express objects and the performance of its express powers.

(2) *Title change.* A Federal mutual institution that has complied with § 543.1(b) of this Subchapter may amend its charter by substituting a new corporate title in Section 1.

(3) *Home office.* A Federal mutual institution that has complied with § 545.15 of this Subchapter may amend its charter by substituting a new home office in Section 2.

(4) *Mutual capital certificates.* Renumber existing Section 9 as Section 10, add new Section 9 to read as set forth below, and add an additional provision to renumbered Section 10 as provided below:
Section 9. *Mutual capital certificates.* The institution may issue mutual capital certificates pursuant to the rules and regulations of the Board. Subject to such rules and regulations and without the prior approval of the members, the board of directors [trustees] of the institution is authorized by resolution(s) from time to time adopted by it, to provide in supplementary sections hereto for the issuance of mutual capital certificates and to fix and state the voting powers, designations, preferences and the relative participating, optional or other special rights of the certificates, and the qualifications, limitations, and restrictions thereon.

Members of the institution shall not be entitled to preemptive rights with respect to the issuance of mutual capital certificates, nor shall holders of such certificates be entitled to preemptive rights with respect to any additional issues of mutual capital certificates.

Section 10. *Amendment of charter.* * * * Additional provisions may be added to the section to grant holders of mutual capital certificates the right to vote on amendments, additions, alterations, changes, or repeal of this charter in any of the instances set forth in § 563.7-4 of the Board's regulations.

§ 544.2-1 [Removed]

8. Remove § 544.2-1.

§ 544.2-2 [Removed]

9. Remove § 544.2-2.

10. Revise § 544.4 as follows:

§ 544.4 *Issuance of charter.*

Issuance by the Board of a charter to a Federal mutual institution within the meaning of § 543.5 of this Subchapter constitutes the incorporation of that institution by the Board.

11. Revise § 544.5 as follows:

§ 544.5 *Federal mutual institution bylaws.*

(a) A Federal mutual institution shall operate under bylaws that contain provisions which comply with all requirements specified by the Board in this section and which are not otherwise inconsistent with the provisions of this section, the institution's charter, and all other applicable laws, rules, and regulations. Bylaw provisions which adopt the language of the model bylaws set out as an appendix to this Part shall be deemed to comply with the requirements of this section. A copy of all bylaws and amendments thereto shall be filed with the Secretary to the Board in accordance with the procedure for filing amendments to charters set out at § 554.2 of this Part.

(b) The following requirements are applicable to Federal mutual institutions:

1. *Annual meeting of members.* An institution shall provide for and conduct an annual meeting of its members for the election of directors [trustees] and at which any other business of the institution may be conducted. Such meeting shall be held, as designated by its board of directors [trustees], at a location within the state that constitutes the principal place of business of the institution and at a date and time within 120 days after the end of the institution's fiscal year. At each annual meeting, the officers shall make a full report of the financial condition of the institution and of its progress for the preceding year and shall outline a program for the succeeding year.

2. *Special meetings of members.* Procedures for calling any special meeting of the members and for conducting such a meeting shall be set forth in the bylaws. The subject matter of such special meeting must be established in the notice for such meeting. The board of directors [trustees] of the institution or the holders of 10 percent or more of the voting rights shall be entitled to call a special meeting.

3. *Notice of meeting of members.* Notice specifying the time and place of the annual meeting or any special meeting and adequately describing any business to be conducted shall be published for two successive weeks immediately prior to the week in which such meeting shall convene in a newspaper of general circulation in the city

or county in which the principal place of business of the institution is located, or mailed postage prepaid at least 15 days and not more than 45 days prior to the date on which such meeting shall convene, to each of its members of record at the last address appearing on the books of the institution. A similar notice shall be posted in a conspicuous place in each of the offices of the institution during the 14 days immediately preceding the date on which such meeting shall convene. The bylaws may permit a member to waive in writing any right to receive personal delivery of the notice.

4. *Fixing of record date.* For the purpose of determining members entitled to notice of or to vote at any meeting of members or any adjournment thereof, or in order to make a determination of members for any other proper purpose, the bylaws shall provide for the fixing of a record date and a method for determining from the books of the institution the members entitled to vote. Such date shall be not more than 60 days nor less than 20 days prior to the date on which the action, requiring such determination of members, is to be taken.

5. *Voting by proxy.* Procedures shall be established for voting at any annual or special meeting of the members by proxy pursuant to the rules and regulations of the Board, including the placing of such proxies on file with the secretary of the institution, for verification, prior to the convening of such meeting. All proxies with a term greater than eleven months or solicited at the expense of the institution must run to the board of directors [trustees] as a whole.

6. *Communications between members.* Provisions relating to communications between members shall be consistent with § 545.28 of the Board's regulations.

7. *Number of directors [trustees].* The number of directors [trustees] shall not be an even number and shall be not fewer than five nor more than fifteen, except where authorized by the Board.

8. *Meetings of the board.* The board of directors [trustees] shall determine the place, frequency, time, procedure for notice, which shall be at least 24 hours, unless waived by the directors [trustees], and waiver of notice for all regular and special meetings. The meetings shall be under the direction of a chairman, appointed annually by the board. The board may also permit telephonic participation at meetings. The bylaws may provide for action to be taken without a meeting if written consent is obtained for such action. A majority of the directors [trustees] shall constitute a quorum for the transaction of business. The act of a majority of the directors [trustees] present at any meeting at which there is a quorum shall be the act of the board.

9. *Officers, employees, and agents.* The bylaws shall contain provisions regarding the officers of the institution, their functions, duties, and powers. The officers of the institution shall consist of a president, one or more vice presidents, a secretary, and a treasurer, each of whom shall be elected annually by the board of directors [trustees]. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors

[trustees] or chosen in such other manner as may be prescribed in the bylaws. Any two or more offices may be held by the same person, except the offices of president and secretary.

All officers and agents of the institution, as between themselves and the institution, shall have such authority and perform such duties in the management of the institution as may be provided in the bylaws, or as may be determined by resolution of the board of directors [trustees] not inconsistent with the bylaws. In the absence of any such provision, officers shall have such powers and duties as generally pertain to their respective offices.

Any indemnification provision must provide that any indemnification is subject to applicable law, rules, and regulations.

10. *Resignation or removal of directors [trustees].* The bylaws shall set out the procedure for the resignation of a director, which shall be by written notice or by any other procedure established in the bylaws. Directors [trustees] may only be removed for cause.

11. *Powers of the board.* The board of directors [trustees] shall have the power—

(a) By resolution, to appoint from among its members, and remove, an executive committee and one or more other committees, which committee[s] shall have and may exercise all the powers of the board between the meetings of the board, but no such committee shall have the authority of the board to amend the charter or bylaws, adopt a plan of merger, consolidation, dissolution or provide for the disposition of all or substantially all the property and assets of the institution. Such committee shall not operate to relieve the board, or any member thereof, of any responsibility imposed by law;

(b) To fix the compensation of directors [trustees], officers, and employees; and to remove any officer or employee at any time with or without cause;

(c) To exercise any and all of the powers of the institution not expressly reserved by the charter to the members.

12. *Execution of instruments, generally.* The board shall establish procedures for the execution, verification, acknowledgment, and delivery of instruments or writings of any nature.

13. *Nominations for directors [trustees].* The bylaws shall provide that nominations for directors may be made at the annual meeting by any member and shall be voted upon, except, however, the bylaws may require that nominations by a member must be submitted to the secretary and then prominently posted in the home office, at least 10 days prior to the date of the annual meeting. However, if such provision is made for prior submission of nominations by a member, then the bylaws must provide for a nominating committee, which must submit nominations to the secretary and have such nominations similarly posted, at least 15 days prior to the date of the annual meeting.

14. *New business.* The bylaws shall provide procedures for the introduction of new business at the annual meeting. Those provisions may require that such new business be stated in writing and filed with the secretary prior to the annual meeting, at least 30 days prior to the date of the annual meeting.

15. *Seal.* The institution may have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

16. *Amendment.* Bylaws may include any provision for their amendment pursuant to § 544.5 of the Board's regulations, as long as any such amendment would be consistent with applicable law, rules, and regulations, and adequately addresses its subject and purpose. Amendments shall be effective upon filing with the Board in accordance with regulatory procedures after approval by a two-thirds affirmative vote of the entire board, or by a vote of the members of the institution.

17. *Miscellaneous.* The bylaws may also address the subjects of age limitations for directors or officers, emergency preparedness and any other subjects necessary or appropriate for effective operation of the institution.

12. Add an appendix at the end of Part 544, as follows:

Appendix to Part 544—Model Bylaws for Mutual Institutions

1. *Annual meetings of members.* The annual meeting of the members of the institution for the election of directors [trustees] and for the transaction of any other business of the institution shall be held, as designated by the board of directors [trustees], at a location within the state that constitutes the principal place of business of the institutions at (insert date and time within 120 days after the end of the institution's fiscal year), if not a legal holiday or if a legal holiday then on the next succeeding day not a legal holiday. The annual meeting may be held at such other time on such day or at such other place in the same state as the board of directors [trustees] may determine. At each annual meeting, the officers shall make a full report of the financial condition of the institution and of its progress for the preceding year, and shall outline a program for the succeeding year.

2. *Special meetings of members.* Special meetings of the members of the institution may be called at any time by the president or the board of directors [trustees], and shall be called by the president, a vice president, or the secretary upon the written request of members of record holding in the aggregate at least one-tenth of the capital of the institution. Such written request shall state the purpose of the meeting and shall be delivered at the principal place of business of the institution addressed to the president. Annual and special meetings shall be conducted in accordance with the most current edition of Roberts' Rules of Order.

3. *Notice of meeting of members.* (a) Notice of each annual meeting shall be either published once a week for the two successive calendar weeks (in each instance on any day of the week) immediately prior to the week in which such annual meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the principal place of business of the institution is located, or mailed postage prepaid at least (insert

number not less than 15) days and not more than (insert number not more than 45) days prior to the date on which such annual meeting shall convene, to each of its members of record at the last address appearing on the books of the institution. Such notice shall state the name of the institution, the place of the annual meeting, the time when it shall convene, and the matters to be considered. A similar notice shall be posted in a conspicuous place in each of the offices of the institution during the 14 days immediately preceding the date on which such annual meeting shall convene. If any member, in person or by authorized attorney, shall waive in writing notice of any annual meeting of members, notice thereof need not be given to such member.

(b) Notice of each special meeting shall be either published once a week for the two consecutive calendar weeks (in each instance on any day of the week) immediately prior to the week in which such special meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the principal place of business of the institution is located, or mailed postage prepaid at least (insert number not less than 15) days and not more than (insert number not more than 45) days prior to the date on which such special meeting shall convene to each of its members of record at the member's last address appearing on the books of the institution. Such notice shall state the name of the institution, the purpose(s) for which the meeting is called, the place of the special meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the institution during the 14 days immediately preceding the date on which such special meeting shall convene. If any member, in person or by authorized attorney, shall waive in writing notice of any special meeting of members, notice thereof need not be given to such member.

4. *Fixing of record date.* For the purpose of determining members entitled to notice of or to vote at any meeting of members or any adjournment thereof, or in order to make a determination of members for any other proper purpose, the board of directors [trustees] shall fix in advance a record date for any such determination of members. Such date shall be not more than 60 days nor fewer than 20 days prior to the date in which the action, requiring such determination of members, is to be taken. The member entitled to participate in any such action shall be the member of record on the books of the institution on such record date. The number of votes which each member shall be entitled to cast at any meeting of the members shall be determined from the books of the institution as of such record date. Any member of such record date who ceases to be a member prior to such meeting shall not be entitled to vote at the meeting.

5. *Voting by proxy.* Voting at any annual or special meeting of the members may be by proxy pursuant to the rules and regulations of the Board, it being provided that no proxies shall be voted at any meeting unless such proxies shall have been placed on file with the secretary of the institution, for

verification, prior to the convening of such meeting. All proxies with a term greater than eleven months or solicited at the expense of the institution must run to the board of directors [trustees] as a whole.

6. *Communication between members.* Communication between members shall be subject to any applicable rules or regulations of the Board.

7. *Number of directors [trustees].* The number of directors [trustees] of the institution shall be _____.

8. *Meetings of the board.* The board of directors [trustees] shall meet regularly without notice at the principal place of business of the institution at least once each month at an hour and date fixed by resolution of the board, provided that the place of meeting may be changed by the directors [trustees]. Special meetings of the board may be held at any place specified in a notice of such meeting and shall be called by the secretary upon the written request of the chairman or of three directors [trustees]. All Special meeting shall be held upon at least three days' written notice to each director [trustee] unless notice is waived in writing before or after such meeting. Such notice shall state the place, time, and purposes of such meeting. A majority of the directors [trustees] shall constitute a quorum for the transaction of business. The act of a majority of the directors [trustees] present at any meeting at which there is a quorum shall be the act of the board. The meetings shall be under the direction of a chairman, appointed annually by the Board.

9. *Officers, employees, and agents.* Annually at the meeting of the board of directors [trustees] of the institution next following the annual meeting of the members of the institution, the board shall elect a president, one or more vice presidents, a secretary, and a treasurer. *Provided*, that the offices of secretary and treasurer may be held by the same person, and a vice president may also be either the secretary or the treasurer, but not both. The board may appoint such additional officers and such employees and agents as it may from time to time determine. The term of office of all officers shall be one year or until their respective successors are elected and qualified; but any officer may be removed at any time by the board. In the absence of designation from time to time of powers and duties by the board, the officers shall have such powers and duties as generally pertain to their respective offices.

Any indemnification by the institution of the institution's personnel is subject to any applicable rules or regulations of the Board.

10. *Resignation or removal of directors [trustees].* Any director [trustee] may resign at any time by sending a written notice of such resignation to the office of the institution delivered to the secretary. Unless otherwise specified therein such resignation shall take effect upon receipt by the secretary. More than three consecutive absences from regular meetings of the board, unless excused by resolution of the board, shall automatically constitute a resignation, effective when such resignation is accepted by the board.

At a meeting of members called expressly for that purpose, directors [trustees] may be

removed in the manner provided in this section. Any director [trustee] or the entire board may be removed, only with cause, by a vote of the holders of a majority of the shares then entitled to vote at an election of directors [trustees].

11. *Powers of the board.* The board of directors [trustees] shall have the power—

(a) By resolution, to appoint from among its members, and remove, an executive committee, which committee shall have and may exercise the powers of the board between the meetings of the board, but no such committee shall have the authority of the board to amend the charter or bylaws, adopt a plan of merger, consolidation, dissolution or provide for the disposition of all or substantially all the property and assets of the institution. Such committee shall not operate to relieve the board, or any member thereof, of any responsibility imposed by law;

(b) To appoint and remove by resolution the members of such other committees as may be deemed necessary and prescribe the duties thereof;

(c) To fix the compensation of directors [trustees], officers, and employees; and to remove any officer or employee at any time with or without causes;

(d) To extend leniency and indulgence to borrowing members who are in distress and generally to compromise and settle any debts and claims;

(e) To limit payments on capital which may be accepted;

(f) To reject any application for an account or membership; and

(g) To exercise any and all of the powers of the institution not expressly reserved by the charter to the members.

12. *Execution of instruments, generally.* All documents and instruments or writings of any nature shall be signed, executed, verified, acknowledged and delivered by such officers, agents, or employees of the institution or any of the them and in such manner as from time to time may be determined by resolution of the board. All notes, drafts, acceptances, checks, endorsements, and all evidences of indebtedness of the institution whatsoever shall be signed by such officer or officers or such agent or agents of the institution and in such manner as the board may from time to time determine. Endorsements for deposit to the credit of the institution in any of its duly authorized depositories shall be made in such manner as the board may from time to time determine. Proxies to vote with respect to shares or accounts of other institutions or stock of other corporations owned by or standing in the name of the institution may be executed and delivered from time to time on behalf of the institution by the president or a vice president and the secretary or an assistant secretary of the institution or by any other persons so authorized by the board.

13. *Nominating committee.* The chairman, at least 30 days prior to the date of each annual meeting, shall appoint a nominating committee of three persons who are members of the institution. Such committee shall make nominations for directors [trustees] in writing and deliver to the secretary such written nominations at least 15 days prior to the date

of the annual meeting, which nominations shall then be posted in a prominent place in the principal place of business for the 15-day period prior to the date of the annual meeting. Provided such committee is appointed and makes such nominations, no nominations for directors [trustees] except those made by the nominating committee shall be voted upon at the annual meeting unless other nominations by members are made in writing and delivered to the secretary of the institution at least 10 days prior to the date of the annual meeting, which nominations shall then be posted in a prominent place in the principal place of business for the 10-day period prior to the date of the annual meeting. Ballots bearing the names of all persons nominated by the nominating committee and by other members prior to the annual meeting shall be provided for use by the members at the annual meeting. If at any time the chairman shall fail to appoint such nominating committee, or the nominating committee shall fail or refuse to act at least 15 days prior to the annual meeting, nominations for directors [trustees] may be made at the annual meeting by any member and shall be voted upon.

14. *New business.* Any new business to be taken up at the annual meeting, including any proposal to increase or decrease the number of directors [trustees] of the institution, shall be stated in writing and filed with the secretary of the institution at least 30 days before the date of the annual meeting, and all business so stated, proposed and filed shall be considered at the annual meeting, but no other proposal shall be acted upon at the annual meeting. Any member may make any other proposal at the annual meeting and the same may be discussed and considered; but unless stated in writing and filed with the secretary 30 days before the meeting, such proposal shall be laid over for action at an adjourned, special, or regular meeting of the members taking place at least 30 days thereafter. This provision shall not prevent the consideration and approval or disapproval at the annual meeting of the reports of officers and committees, but in connection with such reports no new business shall be acted upon at such annual meeting unless stated and filed as herein provided.

15. *Seal.* The seal shall be two concentric circles between which shall be the name of the institution. The year of incorporation, the word "incorporated," or an emblem may appear in the center.

16. *Amendment.* Adoption of any bylaw amendment pursuant to § 554.5 of the Board's regulations, as long as consistent with applicable law, rules and regulations, and which adequately addresses the subject and purpose of the stated bylaw section, shall be effective upon filing with the Board in accordance with regulatory procedures after such amendment has been approved by a two-thirds affirmative vote of the entire board, or by a vote of the members of the institution.

17. *Age limitations.* (a) *Directors [trustees].* No person (fill in any age, 70 or above) years of age shall be eligible for election, reelection, appointment or reappointment to the board of the institution. No director [trustee] shall serve as such beyond the annual meeting of

the institution immediately following the director [trustees] becoming (fill in age used above), except that a director [trustee] serving on (fill in bylaw adoption date) may complete the term as director [trustee]. This age limitation does not apply to an advisory director [trustee].

(b). *Officers.* No person (fill in any age, 70 or above) years of age shall be eligible for election, reelection, appointment, or reappointment as an officer of the institution. No officer shall serve beyond the annual meeting of the institution immediately following the officer becoming (fill in age used above), except that an officer serving on (fill in bylaw adoption date) may complete the term. However, an officer shall, at the option of the board, retire at age _____ if the officer has served in an executive or high policy-making post for at least two years immediately prior to retirement, and is immediately entitled to nonforfeitable annual retirement benefits of at least _____ (must be in accordance with ERISA).

§§ 544.5-1 and 544.6-1 [Removed]

13. Remove §§ 544.5-1 and 544.6-1

14. Revise § 544.6 as follows:

§ 544.6 Effect of subsequent charter or by-law change.

Notwithstanding any subsequent change to its charter or bylaws, the authority of a Federal mutual institution to engage in any activity or transaction need conform only to such institution's charter or bylaws then in effect.

PART 552—STOCK ASSOCIATIONS

15. Amend § 552.1 by revising the introductory text and paragraphs (a) and (b) as follows:

§ 552.1 Definitions.

As used in this Part, the following terms shall have the meanings set forth below.

(a) *Federal stock institution.* The term "Federal stock institution" means a Federal savings and loan association or Federal savings bank which has been issued a charter in the form prescribed in § 552.3 of this Part, or such other form as authorized by the Board.

(b) *Federal stock charter.* A charter of a Federal stock institution in the form specified in § 552.3, or permitted by § 552.4 of this Part, or other action of the Board.

16. Revise § 552.3 as follows:

§ 552.3 Charters for Federal Stock Institutions.

(a) The charter of a Federal stock institution shall be in the following form, except that an institution that has converted from the mutual form pursuant to Part 563b of this chapter shall include in its charter a section establishing a liquidation account as required by § 563b.3(c)(13). A charter for

a Federal stock savings bank shall include the following sentence at the end of Section 4: "In addition, the institution may make any investment and engage in any activity as may be specifically authorized by action of the Board, including authorization by delegated authority, in connection with action approving the issuance of the charter." Charters may also include any preapproved optional provision contained in § 552.4.

Federal Stock Charter

Section 1. *Corporate title.* The full corporate title of the institution is _____.

Section 2. *Office.* The home office shall be located in _____.

Section 3. *Duration.* The duration of the institution is perpetual.

Section 4. *Purpose and powers.* The purpose of the institution is to pursue any or all of the lawful objectives of a Federal institution chartered under Section 5 of the Home Owners' Loan Act and to exercise all of the express, implied, and incidental powers conferred thereby and by all acts amendatory thereof and supplemental thereto, subject to the Constitution and laws of the United States as they are now in effect, or as they may hereafter be amended, and subject to all lawful and applicable rules, regulations, and orders of the Federal Home Loan Bank Board ("Board").

Section 5. *Capital stock.* The total number of shares of all classes of the capital stock which the institution has the authority to issue is _____, all of which shall be common stock of par [or stated] value of _____ per share. The shares may be issued from time to time as authorized by the board of directors without the approval of its stockholders, except as otherwise provided in this Section 5 or to the extent that such approval is required by governing law, rule, or regulation. The consideration for the issuance of the shares shall be paid in full before their issuance and shall not be less than the par [or stated] value. Neither promissory notes nor future services shall constitute payment or part payment for the issuance of shares of the institution. The consideration for the shares shall be cash, tangible or intangible property (to the extent direct investment in such property would be permitted), labor, or services actually performed for the institution, or any combination of the foregoing. In the absence of actual fraud in the transaction, the value of such property, labor, or services, as determined by the board of directors of the institution, shall be conclusive. Upon payment of such consideration, such shares shall be deemed to be fully paid and nonassessable. In the case of a stock dividend, that part of the surplus of the institution which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for their issuance.

Except for shares issuable in connection with the conversion of the institution from the mutual to stock form of capitalization, no shares of common stock (including shares

issuable upon conversion, exchange or exercise of other securities) shall be issued, directly or indirectly, to officers, directors or controlling persons of the institution other than as part of a general public offering or as qualifying shares to a director, unless their issuance or the plan under which they would be issued has been approved by a majority of the total votes eligible to be cast at a legal meeting.

The holders of the common stock shall exclusively possess all voting power. Each holder of shares of common stock shall be entitled to one vote for each share held by such holder, except as to the cumulation of votes for the election of directors. Subject to any provision for a liquidation account, in the event of any liquidation, dissolution, or winding up of the association, the holders of the common stock shall be entitled, after payment or provision for payment of all debts and liabilities of the institution, to receive the remaining assets of the institution available for distribution, in cash or in kind. Each share of common stock shall have the same relative rights as and be identical in all respects with all the other shares of common stock.

Section 6. Preemptive rights. Holders of the capital stock of the institution shall not be entitled to preemptive rights with respect to any shares of the institution which may be issued.

Section 7. Directors. The institution shall be under the direction of a board of directors. The authorized number of directors, as stated in the institution's bylaws, shall not be even and shall not be fewer than seven nor more than fifteen except when a greater number is approved by the Board.

Section 8. Amendment of charter. Except as provided in Section 5, no amendment, addition, alteration, change, or repeal of this charter shall be made, unless such is first proposed by the board of directors of the institution, then preliminarily approved by the Board, which preliminary approval may be granted by the Board pursuant to regulations specifying preapproved charter amendments, and thereafter approved by the shareholders by a majority of the total votes eligible to be cast at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon shall be effective upon filing with the Board in accordance with regulatory procedures.

Attest: Secretary _____
By: _____

17. Revise § 552.4 as follows:

§ 552.4 Charter amendments.

(a) Whenever a Federal stock institution completes the procedures necessary to amend its charter, or add supplementary sections thereto, the institution shall submit one signed and three conformed copies of such amendment, along with a certification by the secretary of the institution that the amendment is validly authorized and approved, to the Secretary to the Board who shall return a copy of the charter amendment stamped to demonstrate its filing to the institution. The institution shall also file one copy of

such amendment with the Federal Home Loan Bank of which it is a member.

(b) This section constitutes preliminary approval by the Board of the proposal to shareholders by the board of directors of any Federal stock institution of the following amendments to such institution's charter, including the adoption of any or all sections of the Federal stock charter as set forth in § 552.3 of this Part: *Provided*, that the institution follows the requirements of its charter in adopting the amendments.

(1) A Federal stock institution that has complied with § 543.1(b) of this Subchapter may amend its charter by substituting a new corporate title in Section 1.

(2) A Federal stock institution that has complied with § 545.15 of this Subchapter may amend its Charter by substituting a new home office in Section 2.

(3) Amend the charter of a Federal stock institution to change the number of authorized shares and of each class of shares and the par or stated value of such shares.

(4) Amend the charter of a Federal stock institution by revising Section 5 to read as follows:

Section 5. Capital stock. The total number of shares of all classes of the capital stock which the institution has the authority to issue is _____, of which _____ shall be common stock of par [or stated] value of _____ per share and of which [list the number of each class of preferred and the par or stated value per share of each such class.] The shares may be issued from time to time as authorized by the board of directors without further approval of stockholders, except as otherwise provided in this Section 5 or to the extent that such approval is required by governing law, rule, or regulation. The consideration for the issuance of the shares shall be paid in full before their issuance and shall not be less than the par [or stated] value. Neither promissory notes nor future services shall constitute payment or part payment for the issuance of shares of the institution. The consideration for the shares shall be cash, tangible or intangible property (to the extent direct investment in such property would be permitted), labor, or services actually performed for the institution, or any combination of the foregoing. In the absence of actual fraud in the transaction, the value of such property, labor, or services, as determined by the board of directors of the institution, shall be conclusive. Upon payment of such consideration, such shares shall be deemed to be fully paid and nonassessable. In the case of a stock dividend, that part of the surplus of the institution which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for their issuance.

Except for shares issuable in connection with the conversion of the institution from the mutual to the stock form of capitalization, no shares of capital stock (including shares

issuable upon conversion, exchange or exercise of other securities) shall be issued, directly or indirectly, to officers, directors or controlling persons of the institution other than as part of a general public offering or as qualifying shares to a director, unless their issuance or the plan under which they would be issued has been approved by a majority of the total votes of eligible to be cast at a legal meeting.

Nothing contained in this Section 5 (or any supplementary sections hereto) shall entitle the holders of any class of a series of capital stock to vote as a separate class or series or to more than one vote per share, except as to the cumulation of votes for the election of directors: *Provided*, that this restriction on voting separately by class or series shall not apply:

(i) To any provisions which would authorize the holders of preferred stock, voting as a class or series, to elect some members of the board of directors, less than a majority thereof, in the event of default in the payment of dividends on any class or series of preferred stock;

(ii) To any provision which would require the holders of preferred stock, voting as a class or series, to approve the merger or consolidation of the institution with another corporation or the sale, lease, or conveyance (other than by mortgage or pledge) of properties or business in exchange for securities of a corporation other than the institution if the preferred stock is exchanged for securities of such other corporation: *Provided*, that no provision may require such approval for transactions undertaken with the assistance or pursuant to the direction of the Federal Savings and Loan Insurance Corporation;

(iii) To any amendment which would adversely change the specific terms of any class or series of capital stock as set forth in this Section 5 (or in any supplementary sections hereto), including any amendment which would create or enlarge any class or series ranking prior thereto in rights and preferences. An amendment which increases the number of authorized shares of any class or series of capital stock, or substitutes the surviving institution in a merger or consolidation for the institution, shall not be considered to be such an adverse change.

A description of the different classes and series (if any) of the institution's capital stock and a statement of the designations, and the relative rights, preferences, and limitations of the shares of each class of and series (if any) of the capital stock are as follows:

A. Common Stock. Except as provided in this Section 5 (or in any supplementary sections thereto) the holders of the common stock shall exclusively possess all voting power. Each holder of shares of common stock shall be entitled to one vote for each share held by such holder, except as to the cumulation of votes for the election of directors.

Whenever there shall have been paid, or declared and set aside for payment, to the holders of the outstanding shares of any class of stock having preference over the common stock as to the payment of dividends, the full amount of dividends and of sinking fund,

retirement fund or other retirement payments, if any, to which such holders are respectively entitled in preference to the common stock, then dividends may be paid on the common stock and on any class or series of stock entitled to participate therewith as to dividends out of any assets legally available for the payment of dividends.

In the event of any liquidation, dissolution, or winding up of the institution, the holders of the common stock (and the holders of any class or series of stock entitled to participate with the common stock in the distribution of assets) shall be entitled to receive, in cash or in kind, the assets of the institution available for distribution remaining after: (i) Payment or provision for payment of the institution's debts and liabilities; (ii) distributions or provision for distributions in settlement of its liquidation account; and (iii) distributions of provision for distributions to holders of any class or series of stock having preference over the common stock in the liquidation, dissolution, or winding up of the institution.

Each share of common stock shall have the same relative rights as and be identical in all respects with all the other shares of common stock.

B. Preferred Stock. The institution may provide in supplementary sections to its charter for one or more classes of preferred stock, which shall be separately identified. The shares of any class may be divided into and issued in series, with each series separately designated so as to distinguish the shares thereof from the shares of all other series and classes. The terms of each series shall be set forth in a supplementary section to the charter. All shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

(a) The distinctive serial designation and the number of shares constituting such series;

(b) The dividend rate or the amount of dividends to be paid on the shares of such series, whether dividends shall be cumulative and, if so, from which date(s) the payment date(s) for dividends, and the participating or other special rights, if any, with respect to dividends;

(c) The voting powers, full or limited, if any, of shares of such series;

(d) Whether the shares of such series shall be redeemable and, if so, the price(s) at which, and the terms and conditions on which, such shares may be redeemed;

(e) The amount(s) payable upon the shares of such series in the event of voluntary or involuntary liquidation, dissolution, or winding up of the institution;

(f) Whether the shares of such series shall be entitled to the benefit of a sinking or retirement fund to be applied to the purchase or redemption of such shares, and if so entitled, the amount of such fund and the manner of its application, including the price(s) at which such shares may be redeemed or purchased through the application of such fund;

(g) Whether the shares of such series shall be convertible into, or exchangeable for, shares of any other class or classes of stock of the institution and, if so, the conversion price(s) or the rate(s) of exchange, and the

adjustments thereof, if any, at which such conversion or exchange may be made, and any other terms and conditions of such conversion or exchange;

(h) The price or other consideration for which the shares of such series shall be issued; and

(i) Whether the shares of such series which are redeemed or converted shall have the status of authorized but unissued shares of serial preferred stock and whether such shares may be reissued as shares of the same or any other series of serial preferred stock.

Each share of each series of serial preferred stock shall have the same relative rights as and be identical in all respects with all the other shares of the same series.

The board of directors shall have the authority to divide, by the adoption of supplementary charter sections, any authorized class of preferred stock into series, and, within the limitations set forth in this section and the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

Prior to the issue of any preferred shares of a series established by a supplementary charter section adopted by the board of directors, the institution shall file with the Secretary to the Board in accordance with regulatory procedures, a dated copy of that supplementary section of this charter establishing and designating the series, and fixing and determining the relative rights and preferences thereof.

(5) Amend the charter of a Federal stock institution to require any of the following: (i) That shareholder approval be obtained for any issuance of shares of common stock exceeding 15 percent of the total number of shares of common stock then outstanding; (ii) that shareholder approval be required for the adoption of any separate series of a class of preferred stock; (iii) that shareholder approval be obtained for any issuance of preferred stock which accounts for 15 percent (or a higher percentage) of (A) any class of preferred stock then outstanding, and/or (B) total voting rights in the institution.

(6) Amend the charter of a Federal stock institution by renumbering existing sections as appropriate and adding a new Section 6 as follows. Where appropriate, a Federal savings bank the deposits of which are insured by the Federal Deposit Insurance Corporation shall substitute that Agency for the Federal Savings and Loan Insurance Corporation.

Section 6. Net worth certificates. Notwithstanding any provisions of Section 5, *Capital Stock*, the institution may issue net worth certificates to the Federal Savings and Loan Insurance Corporation (the "Corporation") in exchange for appropriate consideration, including promissory notes of the Corporation, in accordance with the rules, regulations, and policies of the Board. Subject to such rules, regulations, and policies, the

board of directors of the institution is authorized without the prior approval of the stockholders of the association and by resolution(s) from time to time adopted by the board of directors to cause the issuance of net-worth certificates to the Corporation and to fix the designations, preferences, and relative, participating, optional, or other special rights of the certificates, and the qualifications, limitations, and restrictions thereon. Stockholders of the institution [or bank] shall not be entitled to preemptive rights with respect to the issuance of net worth certificates nor shall holders of such certificates be entitled to preemptive rights with respect to any additional issuance of net-worth certificates.

18. Revise § 552.5 as follows:

§ 552.5 Bylaws.

(a) At its first organizational meeting, the board of directors of a Federal stock institution shall adopt a set of bylaws for the administration and regulation of its affairs. Bylaws may be adopted, amended, or repealed by either a majority of the shareholders or majority of the board of directors. The bylaws shall contain sufficient provisions to govern the institution in accordance with the requirements of §§ 552.6 through 552.6-4 of this Part and shall not contain any provision which is inconsistent with those sections or with applicable laws, rules, or regulations, or the charter, except that a bylaw inconsistent with §§ 552.6 through 552.6-4 may be adopted with prior approval of the Board.

(b) Bylaw provisions which adopt the language of the model bylaws set out as an appendix to this Part shall be deemed to comply with the requirements of this section.

(c) A copy of all bylaws and amendments thereto shall be filed with the Secretary to the Board in accordance with the procedure for filing charters and amendments set out at § 552.4 of this Part.

19. Revise § 552.6 as follows:

§ 552.6 Shareholders.

The bylaws of a Federal stock institution shall be governed by the following requirements regarding shareholders meetings and rights.

(a) *Shareholder meetings.* An annual meeting of the shareholders of the institution for the election of directors and for the transaction of any other business of the institution shall be held annually within 120 days after the end of the institution's fiscal year. Special meetings of the shareholders may be called by the board of directors or on the request of the holders of ten percent or more of the shares entitled to vote at the meeting, or by such other persons as

may be specified in the bylaws of the institution. All annual and special meetings of shareholders shall be held at such place as the board of directors may determine in the State in which the institution has its principal place of business.

(b) *Notice of shareholder meetings.* Written notice stating the place, day, and hour of the meeting and the purpose or purposes for which the meeting is called shall be delivered not fewer than 20 nor more than 50 days before the date of the meeting, either personally or by mail, by or at the direction of the chairman of the board, the president, the secretary, or the directors or other persons calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the mail, addressed to the shareholder at the address appearing on the stock transfer books or records of the institution as of the record date prescribed in paragraph (c) of this section, with postage thereon prepaid. When any shareholders' meeting, either annual or special, is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.

(c) *Fixing of record date.* For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or shareholders entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors shall fix in advance a date as the record date for any such determination of shareholders. Such date in any case shall be not more than 60 days and, in case of a meeting of shareholders, not less than 20 days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this section, such determination shall apply to any adjournment thereof.

(d) *Voting lists.* (1) At least 20 days before each meeting of the shareholders, the officer or agent having charge of the stock transfer books for shares of the institution shall make a complete list of the shareholders entitled to vote at such meeting, or any adjournments thereof, arranged in alphabetical order, with the address and the number of shares held by each. This list of shareholders shall be kept on file at the home office of the institution and shall be subject to inspection by any shareholder at any

time during usual business hours, for a period of twenty days prior to such meeting. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any shareholder during the entire time of the meeting. The original stock transfer book shall constitute prima facie evidence of the shareholders entitled to examine such list or transfer books or to vote at any meeting of shareholders.

(2) In lieu of making the shareholders list available for inspection by any shareholders as provided in the paragraph (d)(1), the board of directors may perform such acts as required by paragraphs (a) and (b) of Rule 14a-7 of the General Rules and Regulations under the Securities and Exchange Act of 1934 as may be duly requested in writing, with respect to any matter which may be properly considered at a meeting of shareholders, by any shareholder who is entitled to vote on such matter and who shall defray the reasonable expenses to be incurred by the institution in performance of the act or acts required.

(e) *Shareholder quorum.* A majority of the outstanding shares of the institution entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders. The shareholders present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum.

(f) *Shareholders voting.* (1) *Proxies.* At all meetings of shareholders, a shareholder may vote in person or by proxy executed in writing by the shareholder or by a duly authorized attorney in fact. Proxies solicited on behalf of the management shall be voted as directed by the shareholder or, in the absence of such direction, as determined by a majority of the board of directors. No proxy shall be valid more than eleven months from the date of its execution except for a proxy coupled with an interest.

(2) *Shares controlled by institution.* Neither treasury shares of its own stock held by the institution nor shares held by another corporation, if a majority of the shares entitled to vote for the election of directors of such other corporation are held by the institution, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time for purposes of any meeting.

(3) *Cumulative voting.* Every shareholder entitled to vote at an election for directors shall have the right

to vote, in person or by proxy, the number of shares owned by the shareholder for as many persons as there are directors to be elected and for whose election the shareholder has a right to vote, or to cumulate the votes by giving one candidate as many votes as the number of such directors to be elected multiplied by the number of shares shall equal or by distributing such votes on the same principle among any number of candidates.

(g) *Nominations and new business submitted by shareholders.* Nominations for directors and new business submitted by shareholders shall be voted upon at the annual meeting if such nominations or new business are submitted in writing and delivered to the secretary of the institution at least five days prior to the date of the annual meeting. Ballots bearing the names of all the persons nominated shall be provided for use at the annual meeting.

20. Add new §§ 552.6-1, 552.6-2, 552.6-3, and 552.6-4 as follows:

§ 552.6-1 Board of directors.

The bylaws of a Federal stock institution shall be governed by the following requirements regarding the board of directors.

(a) *General powers and duties.* The business and affairs of the institution shall be under the direction of its board of directors. The board of directors shall annually elect a chairman of the board from among its members and shall designate, when present, the chairman of the board to preside at its meetings.

(b) *Number and term.* The board of directors shall consist of not fewer than seven nor more than fifteen as prescribed in the bylaws, but shall not be set at an even number. The directors shall be divided into three classes as nearly equal in number as possible. The numbers of each class shall be elected for a term of three years and until their successors are elected and qualified. One class shall be elected by ballot annually.

(c) *Regular meetings.* A regular meeting of the board of directors shall be held immediately after, and at the same place as, the annual meeting of shareholders.

(d) *Quorum.* A majority of the number of directors shall constitute a quorum for the transaction of business at any meeting of the board of directors. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless a greater number is prescribed by regulation of the Board.

(e) *Vacancies.* Any vacancy occurring in the board of directors may be filled

by the affirmative vote of a majority of the remaining directors although less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected to serve until the next election of directors by the shareholders. Any directorship to be filled by reason of an increase in the number of directors may be filled by election by the board of directors for a term of office continuing only until the next election of directors by the shareholders.

(f) *Removal of directors.* (1) At a meeting of shareholders called expressly for that purpose, directors may be removed in the manner provided in this section. Any director may be removed for cause by a vote of the holders of a majority of the shares then entitled to vote at an election of directors.

(2) If less than the entire board is to be removed, no one of the directors may be removed if the votes cast against the removal would be sufficient to elect him if then cumulatively voted at an election of the class of directors of which he is a part.

(3) Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect to the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole.

(g) *Executive and other committees.* The board of directors, by resolution adopted by a majority of the full board, may designate from among its members an executive committee and one or more other committees each of which, to the extent provided in the resolution or bylaws of the institution, shall have and may exercise all of the authority of the board of directors, except no committee shall have the authority of the board of directors with reference to: the declaration of dividends; the amendment of the charter or bylaws of the institution; or recommending to the stockholders a plan of merger, consolidation, or conversion; the sale, lease, or other disposition of all, or substantially all of the property and assets of the institution otherwise than in the usual and regular course of its business; a voluntary dissolution of the association; a revocation of any of the foregoing or the approval of a transaction in which any member of the executive committee, directly or indirectly, has any material beneficial interest. The designation of any committee and the delegation of authority thereto shall not operate to relieve the board of directors, or any

director, of any responsibility imposed by law or regulation.

(h) *Notice of special meetings.* Written notice of at least 24 hours regarding any special meeting of the board of directors or of any committee designated thereby shall be given to each director in accordance with the bylaws, although such notice may be waived by the director. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any meeting need be specified in the notice or waiver of notice of such meeting. The bylaws may provide for telephonic participation at a meeting.

(i) *Action without a meeting.* Any action required or permitted to be taken by the board of directors at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors.

(j) *Presumption of assent.* A director of the institution who is present at a meeting of the board of directors at which action on any institutional matter is taken shall be presumed to have assented to the action taken unless his or her dissent or abstention shall be entered in the minutes of the meeting or unless a written dissent to such action shall be filed with the person acting as the secretary of the meeting before the adjournment thereof or shall be forwarded by registered mail to the secretary of the institution within five days after the date on which a copy of the minutes of the meeting is received. Such right to dissent shall not apply to a director who voted in favor of such action.

§ 552.6-2 Officers.

The bylaws of a Federal stock institution shall be governed by the following requirements regarding officers.

(a) *Positions.* The officers of the institution shall be a president, one or more vice presidents, a secretary, and a treasurer, each of whom shall be elected by the board of directors. The board of directors may also designate the chairman of the board as an officer. The president shall be the chief executive officer, unless the board of directors designates the chairman of the board as chief executive officer. The president shall be a director of the institution. The offices of the secretary and treasurer may be held by the same person and a

vice president may also be either the secretary or the treasurer. The board of directors may designate one or more vice presidents as executive vice president or senior vice president. The board of directors may also elect or authorize the appointment of such other officers as the business of the institution may require. The officers shall have such authority and perform such duties as the board of directors may from time to time authorize or determine. In the absence of action by the board of directors, the officers shall have such powers and duties as generally pertain to their respective offices.

(b) *Removal.* Any officer may be removed by the board of directors whenever in its judgment the best interests of the institution will be served thereby, but such removal, other than for cause, shall be without prejudice to the contractual rights, if any, of the person so removed. Employment contracts shall conform with § 545.25-1 of this Subchapter.

§ 552.6-3 Certificates for shares and their transfer.

The bylaws of a Federal stock institution shall be governed by the following requirements regarding certification for shares and their transfer.

(a) *Certificates for shares.* Certificates representing shares of capital stock of the institution shall be in such form as shall be determined by the board of directors and approved by the Board. The certificates shall be signed by the chief executive officer or by any other officer of the institution authorized by the board of directors, attested by the secretary or an assistant secretary, and sealed with the corporate seal or a facsimile thereof. The signatures of such officers upon a certificate may be facsimiles of the certificate is manually signed on behalf of a transfer agent or a registrar other than the institution itself or one of its employees. Each certificate for shares of capital stock shall be consecutively numbered or otherwise identified. The name and address of the person to whom the shares are issued, with the number of shares and date of issue, shall be entered on the stock transfer books of the institution. All certificates surrendered to the institution for transfer shall be cancelled and no new certificate shall be issued until the former certificate for a like number of shares shall have been surrendered and cancelled, except that in case of a lost or destroyed certificate, a new certificate may be issued therefor upon such terms and indemnity to the

institution as the board of directors may prescribe.

(b) *Transfer of shares.* Transfer of shares of capital stock of the institution shall be made only on its stock transfer books. Authority for such transfer shall be given only by the holder of record thereof or by a legal representative, who shall furnish proper evidence of such authority, or by an attorney authorized by power of attorney duly executed and filed with the institution. The transfer shall be made only on surrender for cancellation of the certificate for the shares. The person in whose name shares of capital stock stand on the books of the institution shall be deemed by the institution to be the owner thereof for all purposes.

§ 552.6-4 Fiscal year; annual audit.

The bylaws shall specify the end of the fiscal year for the institution. The institution shall be subject to an annual audit as of the end of its fiscal year by independent public accountants appointed by and responsible to the board of directors. The appointment of such accountants shall be subject to annual ratification by the shareholders.

§ 552.12 [Removed]

21. Remove § 552.12.

22. Add a new § 552.16 as follows:

§ 552.16 Effect of subsequent charter or bylaw change.

Notwithstanding any subsequent change to its charter or bylaws, the authority of a Federal stock institution to engage in any activity or transaction need conform only to the institution's charter or bylaws then in effect.

23. Add an appendix at the end of Part 552 as follows:

Appendix to Part 552—Model Bylaws for Stock Institutions

Article I—Home Office

The home office of the institution shall be at _____ in the County of _____, in the State of _____.

Article II—Shareholders

Section 1. *Place of Meetings.* All annual and special meetings of shareholders shall be held at the home office of the institution or at such other place in the State in which the principal place of business of the institution is located as the board of directors may determine.

Section 2. *Annual Meeting.* A meeting of the shareholders of the institution for the election of directors and for the transaction of any other business of the institution shall be held annually within 120 days after the end of the institution's fiscal year on the _____ of _____ if not a legal holiday, and if a legal holiday, then on the next day following which is not a legal holiday, at _____, or at such other date and time within

such 120-day period as the board of directors may determine.

Section 3. *Special Meetings.* Special meetings of the shareholders for any purpose or purposes, unless otherwise prescribed by the regulations of the Federal Home Loan Bank Board ("Board") (which as hereinafter used includes the Federal Savings and Loan Insurance Corporation), may be called at any time by the chairman of the board, the president, or a majority of the board of directors, and shall be called by the chairman of the board, the president, or the secretary upon the written request of the holders of not less than one-tenth of all of the outstanding capital stock of the institution entitled to vote at the meeting. Such written request shall state the purpose or purposes of the meeting and shall be delivered at the home office of the institution addressed to the chairman of the board, the president, or the secretary.

Section 4. *Conduct of Meetings.* Annual and special meetings shall be conducted in accordance with the most current edition of Robert's Rules of Order unless otherwise prescribed by regulations of the Board, or these bylaws. The board of directors shall designate, when present, either the chairman of the board or president to preside at such meetings.

Section 5. *Notice of Meeting.* Written notice stating the place, day, and hour of the meeting and the purpose(s) for which the meeting is called shall be delivered not fewer than 20 nor more than 50 days before the date of the meeting, either personally or by mail, by or at the direction of the chairman of the board, the president, or the secretary, or the directors calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the mail, addressed to the shareholder at the address as it appears on the stock transfer books or records of the institution as of the record date prescribed in Section 5 of this Article II with postage thereon prepaid. When any shareholders' meeting, either annual or special, is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. It shall not be necessary to give any notice of the time and place of any meeting adjourned for fewer than 30 days or of the business to be transacted at the meeting, other than an announcement at the meeting at which such adjournment is taken.

Section 6. *Fixing of Record Date.* For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or shareholders entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors shall fix in advance a date as the record date for any such determination of shareholders. Such date in any case shall be not more than 60 days and, in case of a meeting of shareholders, not fewer than 20 days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided

in this section, such determination shall apply to any adjournment thereof.

Section 7. *Voting Lists.* At least 20 days before each meeting of the shareholders, the officer or agent having charge of the stock transfer books for shares of the institution shall make a complete list of the shareholders entitled to vote at such meeting, or any adjournment thereof, arranged in alphabetical order, with the address and the number of shares held by each. This list of shareholders shall be kept on file at the home office of the institution and shall be subject to inspection by any shareholder at any time during usual business hours for a period of 20 days prior to such meeting. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to inspection by any shareholder during the entire time of the meeting. The original stock transfer book shall constitute prima facie evidence of the shareholders entitled to examine such list or transfer books or to vote at any meeting of shareholders.

In lieu of making the shareholder list available for inspection by shareholders as provided in the preceding paragraph, the board of directors may elect to follow the procedures prescribed in § 552.6(d) of the Board's regulations as now or hereafter in effect.

Section 8. *Quorum.* A majority of the outstanding shares of the institution entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders. If less than a majority of the outstanding shares is represented at a meeting, a majority of the shares so represented may adjourn the meeting from time to time without further notice. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified. The shareholders present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough shareholders to constitute less than a quorum.

Section 9. *Proxies.* At all meetings of shareholders, a shareholder may vote by proxy executed in writing by the shareholder or by his duly authorized attorney in fact. Proxies solicited on behalf of the management shall be voted as directed by the shareholder or, in the absence of such direction, as determined by a majority of the board of directors. No proxy shall be valid more than eleven months from the date of its execution except for a proxy coupled with an interest.

Section 10. *Voting of Shares in the Name of Two or More Persons.* When ownership stands in the name of two or more persons, in the absence of written directions to the institution to the contrary, at any meeting of the shareholders of the institution any one or more of such shareholders may cast, in person or by proxy, all votes to which such ownership is entitled. In the event an attempt is made to cast conflicting votes, in person or by proxy, by the several persons in whose names shares of stock stand, the vote or votes to which those persons are entitled shall be cast as directed by a majority of

those holding such and present in person or by proxy at such meeting, but no votes shall be cast for such stock if a majority cannot agree.

Section 11. Voting of Shares by Certain Holders. Shares standing in the name of another corporation may be voted by any officer, agent or proxy as the bylaws of such corporation may prescribe, or, in the absence of such provision, as the board of directors of such corporation may determine. Shares held by an administrator, executor, guardian, or conservator may be voted by him or her, either in person or by proxy, without a transfer of such shares into his or her name. Shares standing in the name of a trustee may be voted by him or her, either in person or by proxy, but no trustee shall be entitled to vote shares held by him or her without a transfer of such shares into his or her name. Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his or her name if authority to do so is contained in an appropriate order of the court or other public authority by which such receiver was appointed.

A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee and thereafter the pledgee shall be entitled to vote the shares so transferred.

Neither treasury shares of its own stock held by the institution nor shares held by another corporation, if a majority of the shares entitled to vote for the election of directors of such other corporation are held by the institution, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time for purposes of any meeting.

Section 12. Cumulative Voting. Every shareholder entitled to vote at an election for directors shall have the right to vote, in person or by proxy, the number of shares owned by the shareholder for as many persons as there are directors to be elected and for whose election the shareholder has a right to vote, or to cumulate the votes by giving one candidate as many votes as the number of such directors to be elected multiplied by the number of shares shall equal or by distributing such votes on the same principle among any number of candidates.

Section 13. Inspectors of Election. In advance of any meeting of shareholders, the board of directors may appoint any persons other than nominees for office as inspectors of election to act at such meeting or any adjournment thereof. The number of inspectors shall be either one or three. Any such appointment shall not be altered at the meeting. If inspectors of election are not so appointed, the chairman of the board or the president may, or on the request of not fewer than ten percent of the votes represented at the meeting shall, make such appointment at the meeting. If appointed at the meeting, the majority of the votes present shall determine whether one or three inspectors are to be appointed. In case any person appointed as inspector fails to appear or fails or refuses to act, the vacancy may be filled by

appointment by the board of directors in advance of the meeting or at the meeting by the chairman of the board or the president.

Unless otherwise prescribed by regulations of the Federal Home Loan Bank Board, the duties of such inspectors shall include: determining the number of shares and the voting power of each share, the shares represented at the meeting, the existence of a quorum, and the authenticity, validity and effect of proxies; receiving votes, ballots or consents; hearing and determining all challenges and questions in any way arising in connection with the rights to vote; counting and tabulating all votes or consents; determining the result; and such acts as may be proper to conduct the election or vote with fairness to all shareholders.

Section 14. Nominating Committee. The board of directors shall act as a nominating committee for selecting the management nominees for election as directors. Except in the case of a nominee substituted as a result of the death or other incapacity of a management nominee, the nominating committee shall deliver written nominations to the secretary at least 20 days prior to the date of the annual meeting. Upon delivery, such nominations shall forthwith be posted in a conspicuous place in each office of the association. No nominations for directors except those made by the nominating committee shall be voted upon at the annual meeting unless other nominations by shareholders are made in writing and delivered to the secretary of the institution at least five days prior to the date of the annual meeting. Upon delivery, such nominations shall forthwith be posted in a conspicuous place in each office of the association. Ballots bearing the names of all persons nominated by the nominating committee and by shareholders shall be provided for use at the annual meeting. However, if the nominating committee shall fail or refuse to act at least 20 days prior to the annual meeting, nominations for directors may be made at the annual meeting by any shareholder entitled to vote and shall be voted upon.

Section 15. New Business. Any new business to be taken up at the annual meeting shall be stated in writing and filed with the secretary of the association at least five days before the date of the annual meeting, and all business so stated, proposed and filed shall be considered at the annual meeting but no other proposal shall be acted upon at the annual meeting. Any shareholder may make any other proposal at the annual meeting and the same may be discussed and considered, but unless stated in writing and filed with the secretary at least five days before the meeting such proposal shall be laid over for action at an adjourned, special, or annual meeting of the shareholders taking place thirty days or more thereafter. This provision shall not prevent the consideration and approval or disapproval at the annual meeting of reports of officers, directors, and committees, but in connection with such reports no new business shall be acted upon at such annual meeting unless stated and filed as herein provided.

Section 16. Informal action by shareholders. Any action required to be taken at a meeting of the shareholders, or any

other action which may be taken at a meeting of shareholders, may be taken without a meeting if consent in writing, setting forth the action so taken, shall be given by all of the shareholders entitled to vote with respect to the subject matter thereof.

Article III—Board of directors

Section 1. General Powers. The business and affairs of the institution shall be under the direction of its board of directors. The board of directors shall annually elect a chairman of the board and a president from among its members and shall designate, when present, either the chairman of the board or the president to preside at its meetings.

Section 2. Number and Term. The board of directors shall consist of _____ members and shall be divided into three classes as nearly equal in number as possible. The members of each class shall be elected for a term of three years and until their successors are elected and qualified. One class shall be elected by ballot annually.

Section 3. Regular Meetings. A regular meeting of the board of directors shall be held without other notice than this bylaw immediately after, and at the same place as, the annual meeting of shareholders. The board of directors may provide, by resolution, the time and place, within the institution's normal lending territory, for the holding of additional regular meetings without other notice than such resolution.

Section 4. Qualification. Each director shall at all times be the beneficial owner of not less than 100 shares of capital stock of the association unless the institution is a wholly-owned subsidiary of a holding company.

Section 5. Special Meetings. Special meetings of the board of directors may be called by or at the request of the chairman of the board, the president, or one-third of the directors. The persons authorized to call special meetings of the board of directors may fix any place, within the association's normal lending territory, as the place for holding any special meeting of the board of directors called by such persons.

Members of the board of directors may participate in special meetings by means of conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other. Such participation shall constitute presence in person but shall not constitute attendance for the purpose of compensation pursuant to Section 11 of this Article.

Section 6. Notice. Written notice of any special meeting shall be given to each director at least two days prior thereto when delivered personally or by telegram or at least five days prior thereto when delivered by mail at the address at which the director is most likely to be reached. Such notice shall be deemed to be delivered when deposited in the mail so addressed, with postage thereon prepaid if mailed or when delivered to the telegraph company if sent by telegram. Any director may waive notice of any meeting by a writing filed with the secretary. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for

the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any meeting of the board of directors need be specified in the notice of waiver of notice of such meeting.

Section 7. Quorum. A majority of the number of directors fixed by Section 2 of this Article III shall constitute a quorum for the transaction of business at any meeting of the board of directors, but if less than such majority is present at a meeting, a majority of the directors present may adjourn the meeting from time to time. Notice of any adjourned meeting shall be given in the same manner as prescribed by Section 5 of this Article III.

Section 8. Manner of Acting. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless a greater number is prescribed by regulation of the Board or by these bylaws.

Section 9. Action Without a Meeting. Any action required or permitted to be taken by the board of directors at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors.

Section 10. Resignation. Any director may resign at any time by sending a written notice of such resignation to the home office of the association addressed to the chairman of the board or the president. Unless otherwise specified therein such resignation shall take effect upon receipt thereof by the chairman of the board or the president. More than three consecutive absences from regular meetings of the board of directors, unless excused by resolution of the board of directors, shall automatically constitute a resignation, effective when such resignation is accepted by the board of directors.

Section 11. Vacancies. Any vacancy occurring on the board of directors may be filled by the affirmative vote of a majority of the remaining directors although less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected to serve until the next election of directors by the shareholders. Any directorship to be filled by reason of an increase in the number of directors may be filled by election by the board of directors for a term of office continuing only until the next election of directors by the shareholders.

Section 12. Compensation. Directors, as such, may receive a stated salary for their services. By resolution of the board of directors, a reasonable fixed sum, and reasonable expenses of attendance, if any, may be allowed for actual attendance at each regular or special meeting of the board of directors. Members of either standing or special committees may be allowed such compensation for actual attendance at committee meetings as the board of directors may determine.

Section 13. Presumption of Assent. A director of the association who is present at a meeting of the board of directors at which action on any association matter is taken shall be presumed to have assented to the action taken unless his or her dissent or abstention shall be entered in the minutes of

the meeting or unless he or she shall file a written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the institution within five days after the date of a copy of the minutes of the meeting is received. Such right to dissent shall not apply to a director who voted in favor of such action.

Article IV—Executive and Other Committees

Section 1. Appointment. The board of directors, by resolution adopted by a majority of the full board, any designate the chief executive officer and two or more of the other directors to constitute an executive committee. The designation of any committee pursuant to this Article IV and the delegation of authority thereto shall not operate to relieve the board of directors, or any director, of any responsibility imposed by law or regulation.

Section 2. Authority. The executive committee, when the board of directors is not in session, shall have and may exercise all of the authority of the board of directors except to the extent, if any, that such authority shall be limited by the resolution appointing the executive committee; and except also that the executive committee shall not have the authority of the board of directors with reference to: the declaration of dividends; the amendment of the charter or bylaws of the association, or recommending to the stockholders a plan of merger, consolidation, or conversion; the sale, lease, or other disposition of all or substantially all of the property and assets of the association otherwise than in the usual and regular course of its business; a voluntary dissolution of the association; a revocation of any of the foregoing; or the approval of a transaction in which any member of the executive committee, directly or indirectly, has any material beneficial interest.

Section 3. Tenure. Subject to the provisions of Section 8 of this Article IV, each member of the executive committee shall hold office until the next regular annual meeting of the board of directors following his or her designation and until a successor is designated as a member of the executive committee.

Section 4. Meetings. Regular meetings of the executive committee may be held without notice at such times and places as the executive committee may fix from time to time by resolution. Special meetings of the executive committee may be called by any member thereof upon not less than one day's notice stating the place, date, and hour of the meeting, which notice may be written or oral. Any member of the executive committee may waive notice of any meeting and no notice of any meeting need be given to any member thereof who attends in person. The notice of a meeting of the executive committee need not state the business proposed to be transacted at the meeting.

Section 5. Quorum. A majority of the members of the executive committee shall constitute a quorum for the transaction of business at any meeting thereof, and action of the executive committee must be authorized by the affirmative vote of a

majority of the members present at a meeting at which a quorum is present.

Section 6. Action without a meeting. Any action required or permitted to be taken by the executive committee at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members of the executive committee.

Section 7. Vacancies. Any vacancy in the executive committee may be filled by a resolution adopted by a majority of the full board of directors.

Section 8. Resignations and removal. Any member of the executive committee may be removed at any time with or without cause by resolution adopted by a majority of the full board of directors. Any member of the executive committee may resign from the executive committee at any time by giving written notice to the president or secretary of the association. Unless otherwise specified thereon, such resignation shall take effect upon its receipt; the acceptance of such resignation shall not be necessary to make it effective.

Section 9. Procedure. The executive committee shall elect a presiding officer from its members and may fix its own rules of procedure which shall not be inconsistent with these bylaws. It shall keep regular minutes of its proceedings and report the same to the board of directors for its information at the meeting thereof held next after the proceedings shall have been taken.

Section 10. Other committees. The board of directors may by resolution establish an audit committee, a loan committee or other committees composed of directors as they may determine to be necessary or appropriate for the conduct of the business of the association and may prescribe the duties, constitution and procedures thereof.

Article V—Officers

Section 1. Positions. The officers of the association shall be a president, one or more vice presidents, a secretary and treasurer, each of whom shall be elected by the board of directors. The board of directors may also designate the chairman of the board as an officer. The president shall be the chief executive officer, unless the board of directors designates the chairman of the board as chief executive officer. The president shall be a director of the association. The offices of the secretary and treasurer may be held by the same person and a vice president may also be either the secretary or the treasurer. The board of directors may designate one or more vice presidents as executive vice president or senior vice president. The board of directors may also elect or authorize the appointment of such other officers as the business of the association may require. The officers shall have such authority and perform such duties as the board of directors may from time to time authorize or determine. In the absence of action by the board of directors, the officers shall have such powers and duties as generally pertain to their respective offices.

Section 2. Election and Term of Office. The officers of the institution shall be elected annually at the first meeting of the board of

directors held after each annual meeting of the stockholders. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as possible. Each officer shall hold office until a successor has been duly elected and qualified or until the officer's death, resignation or removal in the manner hereinafter provided. Election or appointment of an officer, employee, or agent shall not of itself create contractual rights. The board of directors may authorize the association to enter into an employment contract with any officer in accordance with regulations of the Board; but no such contract shall impair the right of the board of directors to remove any officer at any time in accordance with Section 3 of this Article V.

Section 3. Removal. Any officer may be removed by the board of directors whenever in its judgment the best interests of the institution will be served thereby, but such removal, other than for cause, shall be without prejudice to the contractual rights, if any, of the person so removed.

Section 4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the board of directors for the expired portion of the term.

Section 5. Remuneration. The remuneration of the officers shall be fixed from time to time by the board of directors.

Article VI—Contracts, Loans, Checks and Deposits

Section 1. Contracts. To the extent permitted by regulations of the board, and except as otherwise prescribed by these bylaws with respect to certificates for shares, the board of directors may authorize any officer, employee, or agent of the association to enter into any contract or execute and deliver any instrument in the name of and on behalf of the institution. Such authority may be general or confined to specific instances.

Section 2. Loans. No loans shall be contracted on behalf of the institution and no evidence of indebtedness shall be issued in its name unless authorized by the board of directors. Such authority may be general or confined to specific instances.

Section 3. Checks, Drafts, etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the institution shall be signed by one or more officers, employees or agents of the institution in such manner as shall from time to time be determined by the board of directors.

Section 4. Deposits. All funds of the institution not otherwise employed shall be deposited from time to time to the credit of the institution in any of its duly authorized depositories as the board of directors may select.

Article VII—Certificates for Shares and Their Transfer

Section 1. Certificates for Shares. Certificates representing shares of capital stock of the institution shall be in such form as shall be determined by the board of directors and approved by the Board. Such certificates shall be signed by the chief executive officer or by any other officer of

the institution authorized by the board of directors, attested by the Secretary or an assistant secretary, and sealed with the corporate seal or a facsimile thereof. The signatures of such officers upon a certificate may be facsimiles if the certificate is manually signed on behalf of a transfer agent or a registrar other than the institution itself or one of its employees. Each certificate for shares of capital stock shall be consecutively numbered or otherwise identified. The name and address of the person to whom the shares are issued, with the number of shares and date of issue, shall be entered on the stock transfer books of the institution. All certificates surrendered to the institution for transfer shall be cancelled and no new certificate shall be issued until the former certificate for a like number of shares has been surrendered and cancelled, except that in case of a lost or destroyed certificate, a new certificate may be issued therefor upon such terms and indemnity to the institution as the board of directors may prescribe.

Section 2. Transfer of Shares. Transfer of shares of capital stock of the institution shall be made only on its stock transfer books. Authority for such transfer shall be given only by the holder of record thereof or by his or her legal representative, who shall furnish proper evidence of such authority, or by his or her attorney authorized by power of attorney duly executed and filed with the institution. Such transfer shall be made only on surrender for cancellation of the certificate for such shares. The person in whose name shares of capital stock stand on the books of the institution shall be deemed by the institution to be the owner thereof for all purposes.

Article VIII—Fiscal Year; Annual Audit

The fiscal year of the institution shall end on the _____ of _____ of each year. The institution shall be subject to an annual audit as of the end of its fiscal year by independent public accountants appointed by and responsible to the board of directors. The appointment of such accountants shall be subject to annual ratification by the shareholders.

Article IX—Dividends

Subject to the terms of the institution's charter and the regulations and orders of the Board, the board of directors may, from time to time, declare, and the institution may pay, dividends on its outstanding shares of capital stock.

Article X—Corporate Seal

The board of directors shall provide an institution seal which shall be two concentric circles between which shall be the name of the institution. The year of incorporation or an emblem may appear in the center.

Article XI—Amendments

These bylaws may be amended at any time by a two-thirds vote of the full board of directors, or by a majority vote of the votes cast by the stockholders of the institution at any legal meeting.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563B—CONVERSIONS FROM MUTUAL TO STOCK FORM

24. Amend § 563b.3 by adding the following at the end of paragraph (c)(13):

§ 563b.3 General principles for conversions.

• • • • •
(c) *Required provisions in plan of conversion.*

(13) • • • An institution converting to a Federally chartered stock savings and loan association or savings bank shall include in its charter the following section:

Liquidation account. Pursuant to the requirements of Board's regulations (12 CFR Subchapter D) the institution shall establish and maintain a liquidation account for the benefit of its savings accountholders as of — ("eligible savers"). In the event of a complete liquidation of the institution, it shall comply with such regulations with respect to the amount and the priorities on liquidation of each of the institution's eligible saver's inchoate interest in the liquidation account, to the extent it is still in existence: *Provided*, that an eligible saver's inchoate interest in the liquidation account shall not entitle such eligible saver to any voting rights at meetings of the institution's stockholders.

PART 569—PROXIES

25. Amend § 569.3 by redesignating paragraph (a) as new paragraph (b); redesignating paragraph (b) as new paragraph (c)(1); and adding new paragraphs (a) and (c)(2); as follows:

§ 569.3 Holder of proxies.

(a) No proxy of a Federally chartered mutual institution with a term greater than eleven months or solicited at the expense of the institution may designate as holder anyone other than the board of directors or board of trustees as a whole.

• • • • •
(c) • • •

(2) Any proxy of a Federally chartered mutual institution outstanding on [effective date of final regulation] and not in compliance with paragraph (a) of this section, shall be valid until August 31, 1983.

(Sec. 5, 48 Stat 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947; 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.
J. J. Finn,
Secretary.

(FR Doc. 83-10360 Filed 4-19-83; 8:45 am)
BILLING CODE 6720-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 3282

[Docket No. R-83-1077]

Manufactured Home Procedural and Enforcement Regulations

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: In 1976, under the authority granted by section 620 of the Manufactured Housing Construction and Safety Standards Act of 1974, the Secretary established a monitoring inspection fee of \$19 per unit inspected. The process of revising the fee by amending the regulation (24 CFR 3282.454) which established it however is a cumbersome one.

The proposed rule would amend 24 CFR 3282.454 to permit the Secretary of Housing and Urban Development to raise or lower the manufactured home monitoring inspection fee by placing a notice of the new fee in the Federal Register.

DATES: Comment due date: June 20, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John S. Mason, Director, Enforcement Branch, Manufactured Housing Standards Division, Room 3244, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-6920. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Section 614(a) of the Manufactured Housing Construction and Safety Standards Act of 1974 (the Act), 42 U.S.C. 5413(a), authorizes the Secretary of Housing and

Urban Development (the Secretary) to conduct such inspections and investigations as are necessary to enforce the Act and to carry out the Secretary's duties thereunder. Section 614(b) of the Act, 42 U.S.C. 5413(b), permits the Secretary to contract with state and local governments as well as private organizations to assist in carrying out these activities. In order to pay for these activities, Section 620 of the Act, 42 U.S.C. 5419, permits the Secretary to establish and impose such fees as may be necessary to offset the expenses incurred in conducting the inspections.

In 1976, under the authority granted by Section 620 of the Act, the Secretary established a monitoring inspection fee of \$19.00 per unit inspected. (24 CFR 3282.454) This fee is paid by manufactured home builders to the Secretary. Since 1976, the amount of the fee has been temporarily lowered on two occasions, both times by amending 24 CFR 3282.454. 46 FR 46126 (September 17, 1981) and 47 FR 33264 (August 2, 1982). It is likely that the fee will have to be revised again, either temporarily or permanently, to reflect changes in costs or changes in the level of inspection-related activity. The process of revising the fee by amending the regulation which established it, however, is a cumbersome one. The Secretary has determined that the fee can be revised more quickly by placing a notice of the new fee in the Federal Register. By using the faster procedure, the Secretary would more quickly be able to collect additional fees needed to conduct inspections or reduce the fee and more quickly pass along this reduced cost to the manufacturers and ultimately to the consumers.

In order to adopt the new procedure for revising the monitoring inspection fee, 24 CFR 3282.454 which establishes the fee at \$19.00 must be revised. This proposed rule would make the necessary revisions.

Under this proposed rule public comment would not be formerly requested before a new fee is published. Nevertheless, HUD will entertain any comments and suggestions it receives from the public which pertain to an existing fee.

This rule does not constitute a "major rule" as that term is defined in Sec. 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3)

have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to 24 CFR 50.30(c), a Finding of No Significant Impact with respect to the environment is unnecessary because the rule is purely administrative in nature, is clearly unrelated to environmental concerns and has no potential for significantly affecting the human environment.

Pursuant to the provisions of 5 U.S.C. 650(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because the rule does not change the fee which is currently in effect.

This rule was not listed in the Department's Semi-Annual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.804.

List of Subjects in 24 CFR Part 3282

Mobile homes.

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Accordingly, the Department proposes to amend 24 CFR Part 3282 by revising § 3282.454 to read as follows:

§ 3282.454 Monitoring inspection fee.

(a) The Secretary may establish by notice in the Federal Register a monitoring inspection fee which is to be paid by manufacturers for each manufactured home manufactured in nonapproved and conditionally approved states as described in § 3282.210.

(b) The monitoring inspection fee to be established by approved states under § 3282.307(a) shall be in the amount determined by the Secretary.

(c) The Secretary may at any time revise the amount of the fees established in paragraphs (a) and (b) of this section by placing a notice of the amount of the new fee in the Federal Register.

(Sec. 620, National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419); Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: March 14, 1983.

Philip Abrams,

Assistant Secretary for Housing-Federal
Housing Commissioner.

[FR Doc. 83-10150 Filed 4-19-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

(LR-243-81)

Designation of Principal Campaign Committee; Proposed Rulemaking

AGENCY: Internal Revenue Service,
Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the designation by a candidate for Congress of a principal campaign committee. Changes to the law were made by the Economic Recovery Tax Act of 1981. The regulations would provide candidates for Congress and their principal campaign committees with the guidance needed to comply with that Act.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 20, 1983. The amendments are proposed to be effective for taxable years beginning after December 31, 1981.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue, NW., Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Susan K. Thomas of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T, 202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 527 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 128 of the Economic Recovery Tax Act of 1981 (95 Stat. 172, 203) and are to be issued under the authority contained in section 527(h)(2)(B)(i) of the Internal Revenue Code of 1954 (95 Stat. 203; 26 U.S.C. 527(h)(2)(B)(i)) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Designation Requirement

Section 128 of the Economic Recovery Tax Act of 1981 adds new section 527(h) to the Internal Revenue Code of 1954. That section provides that the political organization taxable income of a "principal campaign committee" of a candidate for Congress shall be taxed at the appropriate corporate rate specified in section 11(b) of the Code rather than at the highest rate specified in that section. The highest corporate rate of tax is the rate of tax applicable to other political organizations. In order to qualify for the more favorable rate of tax, a committee must be designated in writing as a "principal campaign committee" by a candidate for Congress. A copy of this written designation, which may be made on Federal Election Commission Form 2 or equivalent documents, must be appended to the Form 1120 (POL) filed by the principal campaign committee. Only a candidate for Congress, and not a candidate for other Federal or State office, may make a designation of a principal campaign committee. A candidate for Congress may have only one designation under 527(h) in effect at any time.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Nonapplication of executive order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these proposed regulations is Susan K. Thompson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.501(a)-1-1.528-10

Income taxes, Exempt organizations, Foundations, Nonprofit organizations, Cooperatives, Political organizations, Homeowners associations.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. Section 1.527-1, relating to political organizations, generally, is amended by removing the last sentence and adding the following in its place: "The taxation of newsletter funds is provided under section 527(g) and § 1.527-7. A special rule for principal campaign committees is provided under section 527(h) and § 1.527-9."

Par. 2. Section 1.527-2 is amended by adding a new paragraph (e) immediately following paragraph (d). New paragraph (e) reads as follows:

§ 1.527-2 Definitions.

* * * * *

(e) *Principal campaign committee.* A "principal campaign committee" is the political committee designated by a candidate for Congress as his or her principal campaign committee for purposes of section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. section 432(e)), as amended, and section 527(h) and § 1.527-9.

Par. 3. Section 1.527-8(d) is revised to read as follows:

§ 1.527-8 Effective date; filing requirements; and miscellaneous provisions.

* * * * *

(d) *Effective date.* Except as provided in paragraph (b)(2) of § 1.527-6 and in paragraph (a) of § 1.527-9, the regulations under section 527 apply to taxable years beginning after December 31, 1974.

Par. 4. A new § 1.527-9 is added immediately following § 1.527-8. New § 1.527-9 reads as follows:

§ 1.527-9 Special rule for principal campaign committees.

(a) *In general.* Effective with respect to taxable years beginning after December 31, 1981, the tax imposed by section 527(b) on the political organization taxable income of a principal campaign committee shall be computed by multiplying the political organization taxable income by the appropriate rates of tax specified in section 11(b). The political organization taxable income of a campaign committee not a principal campaign committee is taxed at the highest rate of tax specified in section 11(b). A candidate for Congress may designate one political committee to serve as his or her principal campaign committee for purposes of section 527(h)(1). If a designation is made, it shall be made in accordance with the requirements of paragraph (b) of this section. A candidate for Congress may have only one designation in effect at any time. Under 11 CFR 102.12, no political committee may be designated as the principal campaign committee of more than one candidate for Congress. Further, no political committee that supports or has supported more than one candidate for Congress may be designated as a principal campaign committee.

(b) *Manner of designation.* If a candidate for Congress elects to make a designation under section 527(h) and this section, he or she shall designate his or her principal campaign committee by appending a copy of her Statement of Candidacy (that is, the Federal Election Commission Form 2 or equivalent statement that the candidate filed with the Federal Election Commission under 11 CFR 101.1(a)), to the Form 1120 (POL) filed by the principal campaign committee. This designation may also be made by appending to the Form 1120 (POL) a statement containing the following information: The name and address of the candidate for Congress; his or her taxpayer identification number; his or her party affiliation and the office sought; the district and State in which the office is sought; and the name and address of the principal campaign committee. Only a candidate for Congress may make a designation in accordance with this paragraph.

(c) *Manner of revoking designation.* A designation of a principal campaign committee that has been filed in accordance with this section may be revoked only with the consent of the Commissioner. In general, the Commissioner will grant such consent in every case where the candidate for Congress has revoked his or her designation in compliance with the

requirements of the Federal Election Commission by filing an amended Statement of Organization or its equivalent pursuant to 11 CFR 102.2(a)(2). In the case of the revocation of the designation of a principal campaign committee by a candidate followed by the designation of another principal campaign committee by such candidate, for purposes of determining the appropriate rate of tax under section 11(b) for a taxable year, the political organization taxable income of the first principal campaign committee shall be treated as that of the subsequent principal campaign committee. In a case where consent to revoke a designation of a principal campaign committee is granted and a new designation is filed, the Commissioner may condition his consent upon the agreement of the candidate for Congress to insure compliance with the preceding sentence.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-10556 Filed 4-19-83; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[EE-3-81]

Affiliated Service Groups; Proposed Rulemaking

Correction

In the issue of Wednesday, April 13, 1983, on page 15930, a document correcting § 1.414(m)-1(c) appeared. In the third line of the correction "page 8206" should read "page 8296".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9E2166/P259; PH-FRL 2350-5]

Dicamba; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for the combined residues of the herbicide dicamba and its metabolite in or on the raw agricultural commodities proso millet grain and straw. The proposed regulation to establish maximum permissible levels for residues of the herbicide in or on the commodities was submitted, pursuant to a petition, by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before May 20, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS-787C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 9E2166 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Colorado, Kansas, Minnesota, Nebraska, North Dakota, South Dakota and Wyoming.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the herbicide dicamba (3,6-dichloro-o-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-o-anisic acid in or on the raw agricultural commodities proso millet grain and straw at 0.05 parts per million (ppm). The petition was later amended to propose tolerance levels of 0.5 part per million (ppm) in or on the commodities.

That data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances included a 2-year rat feeding/oncogenic study with a no-observed-effect level (NOEL) greater than 500 ppm (25 mg/kg) for oncogenic and systemic effects under the conditions of the study; a 2-year dog feeding study with a systemic NOEL greater than 50 ppm (1.25 mg/kg); a 3-generation rat reproduction study with a NOEL greater than 500 ppm (25 mg/kg); two teratology studies, rabbit and rat, with NOEL's greater than 10 mg/kg/day and 180 mg/kg, respectively.

The acceptable daily intake (ADI), based on a NOEL of 1.25 mg/kg/day (2-year dog feeding study) and using a 100-fold safety factor, is calculated to be 0.0125 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet

is calculated to be 0.2740 mg/day; the current action will increase the TMRC by 0.00023 mg/day (0.08 percent). Published tolerances utilize 36.5 percent of the ADI; the current action will utilize an additional 0.03 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. Although there are presently no actions pending against the continued registration of this chemical, the dimethylamine formulation of dicamba was analyzed and found to contain the nitrosoamine impurity dimethyl nitrosoamine (DMNA) at levels up to 3.0 ppm. Based on the Agency's calculations, treated millet seed could contain a maximum of 0.7 part per billion (ppb) DMNA. For the purpose of this petition, a risk analysis shows that the carcinogenic upper limits of risk associated with dietary intake of 0.7 ppb DMNA in treated millet seed is 1×10^{-6} . This risk level does not exceed the 1×10^{-6} risk criteria for nitroso compounds, as defined in the Federal Register of June 25, 1980 (45 FR 42854).

Based on the above information considered by the Agency and the fact that there is no reasonable expectation of secondary residues in meat, poultry and eggs (residues in milk are not expected to exceed the currently established tolerance), the tolerances established by amending 40 CFR 180.227 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 9E2166/P259]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 11, 1983.
Douglas D. Campt,
Director, Registration Division, Office of
Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.227(a) be amended by adding and alphabetically inserting the raw agricultural commodities proso millet grain and straw to read as follows:

§ 180.227 Dicamba; tolerances for residues.

(a) * * *

Commodities	Parts per million
Millet, proso, grain	0.5
Millet, proso, straw	0.5

[FR Doc. 83-10455 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-365; RM-4303]

TV Broadcast Stations in Albuquerque, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 41 to Albuquerque, New Mexico, as its eight television assignment, in response to a petition filed by Dennis H. Owen.

DATES: Comments must be filed on or before May 31, 1983, and reply

comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Albuquerque, New Mexico); MM Docket No. 83-365, RM-4303. Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making, filed January 6, 1983, by Dennis H. Owen ("petitioner"), seeking the assignment of UHF Television Channel 41 to Albuquerque, New Mexico, as its eight television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria.

2. Albuquerque (population 331,767),¹ seat of Bernalillo County (population 419,700) is located in north-central New Mexico. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned.

3. In view of the fact that Albuquerque could receive its eighth television service, we shall seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules with respect to the following community:

City	Channel No.	
	Present	Proposal
Albuquerque, New Mexico.	4+, *5+, 7+, 13+, 14-, 23-, *32+	4+, 5+, 7+, 13+, 14-, 23-, *32+, 41

4. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June

¹ Population figures are taken from the 1980 U.S. Census Advance Report.

15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 48 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitute an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)
Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits

or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10516 Filed 4-19-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-364; RM-4291]

TV Broadcast Stations in Bloomington, Indiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a third commercial television assignment to Bloomington, Indiana, in response to a petition filed by William V. Johnson.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of an Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Bloomington, Indiana); MM Docket No. 83-364, RM-4291.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. William V. Johnson ("petitioner"), on December 30, 1982, submitted a petition for rule making requesting the assignment of UHF Television Channel 42 to Bloomington, Indiana, as third commercial television assignment. Petitioner stated that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Bloomington, (population 51,646)¹, seat of Monroe County (population 98,387), is located in southern Indiana, approximately 75 kilometers (48 miles) southwest of Indianapolis. Bloomington, is presently assigned commercial Channels 4 and 63; and noncommercial educational Channel *30.

3. In support of his proposal, petitioner submitted population data and statistics on the consumer spendable income and retail sales for Monroe County.

4. We believe that the petitioner's proposal warrants consideration. The proposed assignment meets all spacing

¹ Population figures are taken from the 1980 U.S. Census Advance Report.

requirements and could provide for a third local commercial television station at Bloomington, Indiana. In view of the above, comments are invited on the proposal to amend the Television Table of Assignments, with regard to the following community.

City	Channel No.	
	Present	Proposed
Bloomington, Indiana	4, 730 - 83+	4, 730 - 42+, 63+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. As *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons

acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10517 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-363; RM-4376]

Television Broadcast Station in Lubbock, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 16 to Lubbock, Texas, in response to a petition filed by Kyle R. Wesley. The proposed assignment could provide Lubbock with a fifth commercial television broadcast service.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Lubbock, Texas); MM Docket No. 83-363, RM-4376.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 4, 1983, by Kyle R. Wesley ("petitioner"), seeking the assignment of UHF television Channel 16 to Lubbock, Texas, as that community's fifth commercial television allocation. Petitioner has failed to indicate that he will apply for the channel, if assigned, and should do so by the date set forth herein for filing comments.

2. Lubbock (population 173,979),¹ the seat of Lubbock County (population 211,651), is located in the northwestern portion of the State, and is approximately 470 kilometers (290 miles) northwest of Dallas. Currently, Lubbock is assigned four commercial, and one non-commercial educational channels.

3. UHF television Channel 16 can be assigned to Lubbock in compliance with the minimum distance separation requirements of § 73.610 of the Commission's Rules. Therefore, in order to give further consideration to the request, the Commission proposes to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

Channel No.	City	
	Present	Proposed
Lubbock, Texas	*5-, 11, 13-, 28, 34-	*5-, 11, 16+, 13-, 28, 34-

4. The commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR, 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V.

Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered

if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10518 Filed 4-19-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-358; RM-4374]

FM Broadcast Stations in Juneau, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

¹ Population figures were extracted from the 1980 U.S. Census, Advance Reports.

SUMMARY: This action proposes to assign FM Channel 292A to Juneau, Alaska, in response to a petition filed by KINY Associates. The proposal could provide a fourth FM service to that community.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Juneau, Alaska); MM Docket No. 83-358, RM-4374.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 28, 1983, by KINY Associates ("petitioner") seeking the assignment of FM Channel 292A to Juneau, Alaska, as its fourth FM assignment.¹ Petitioner submitted information in support of its proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since the proposed assignment of Channel 292A to Juneau, Alaska, is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

3. In view of the fact that the proposed assignment could provide a fourth FM service to Juneau, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community.

City	Channel No.	
	Present	Proposed
Juneau, Alaska	262, 266	264, 262, 266, 292A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

¹ A proposal to assign Channel 264 as a third FM assignment is now pending (RM-4323).

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to

which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

(FR Doc. 83-10513 Filed 4-19-83; 8:45 am)

BILLING CODE 0712-01-M

47 CFR Part 73

[MM Docket No. 83-357; RM-4380]

FM Broadcast Stations in East Grand Forks, Minnesota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to substitute Class C FM Channel 282 for Channel 280A in East Grand Forks, Minnesota, and to modify the Class A license for Station KRRK-FM accordingly, in response to a petition filed by KRAD, Inc.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (East Grand Forks, Minnesota); MM Docket No. 83-357, RM-4380.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 8, 1983, by KRAD, Inc.¹ ("petitioner"), which seeks to substitute Class C Channel 282 for Channel 280A at East Grand Forks, Minnesota, and to modify the license for Station KRRK-FM (Channel 280A) to specify operation on Class C Channel 282.

2. Petitioner submitted information in support of the petition. It noted that the substitution of Class C Channel 282 for Channel 280A would enable the station to better serve the audience in this thinly populated agricultural area.

¹ Petitioner is the licensee of Station KRRK-FM (Channel 280A) at East Grand Forks, Minnesota.

3. We believe that the petitioner's proposal warrants consideration. The channel can be substituted in compliance with the minimum distance separation requirements. In accordance with our established policy, we shall propose to modify the license of Station KRRK-FM to specify operation on Channel 282. However, if another party should indicate an interest in the Class C assignment, the modification could not be implemented. Instead, an opportunity for the filing of a competing application would be provided. See *Cheyenne, Wyoming*, 82 F.C.C. 2d 63 (1976).

4. Since the proposed channel substitution in East Grand Forks, Minnesota, is within 320 kilometers (200 miles) or the U.S.-Canadian border, Canadian concurrence must be obtained.

5. In view of the apparent need for a wide coverage area FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as it pertains to the following community.

City	Channel No.	
	Present	Proposed
East Grand Forks, Minnesota	280A	282

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 48 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until

the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. Number of Copies. In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10514 Filed 4-19-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-366; RM-4285]

TV Broadcast Stations Santa Barbara, California; Proposed Changes in Table Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 38 to

Santa Barbara, California, in response to a petition filed by William V. Johnson. The assignment could provide Santa Barbara with its fifth television allocation.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C., 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Santa Barbara, California); MM Docket No. 83-366, RM-4285.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed December 29, 1982, by William V. Johnson ("petitioner"), seeking the assignment of UHF Television Channel 38 to Santa Barbara, California, as that community's fifth television allocation. Petitioner indicated that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Santa Barbara (population 74,542),¹ the seat of Santa Barbara County (population 298,660), is located approximately 135 kilometers (85 miles) northwest of Los Angeles. At the present time, Channels 3-(Station KEYT), 14 *20, and *32 are assigned to Santa Barbara.

3. We believe the petitioner's proposal warrants consideration. The channel can be assigned in conformity with the minimum distance separation requirements of § 73.610 of the Commission's Rules. However, since Santa Barbara is located within 199 miles of the common Mexican-U.S. border, Mexican concurrence in the proposal is required.

4. In view of the foregoing, the Commission finds it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to Santa Barbara, California, as follows:

¹ Population figures were extracted from the 1980 U.S. Census, Advance Reports.

City	Channel No.	
	Present	Proposed
Santa Barbara, California	3-, 14, ¹ *20, ¹ *32	3-, 14, ¹ *20, ¹ *32, 38

¹ Following the decision in Docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **NOTE:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons

acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10515 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-362; RM-4349]

Television Broadcast Stations Paducah, Kentucky; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 49 to Paducah, Kentucky, in response to a petition filed by William T. Conner. The assignment could provide Paducah with its third television allocation.

DATES: Comments must be filed on or before May 31, 1983, and reply comments on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of an Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations, (Paducah, Kentucky); MM Docket No. 83-362, RM-4349.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 14, 1983, by William T. Conner ("petitioner") seeking the assignment of UHF television Channel 49 to Paducah, Kentucky, as that community's third commercial television allocation. Petitioner indicated that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Paducah (population 29,315),¹ the seat of McCracken County (population 61,310), is located in western Kentucky, approximately 285 kilometers (178 miles) southwest of Louisville. Presently, Paducah is assigned two commercial television channels.

3. UHF television Channel 49 can be assigned to Paducah consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules. Therefore, we believe the petitioner's proposal warrants consideration since the proposed assignment could provide Paducah with its third commercial television broadcast service. Accordingly, the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Paducah, Kentucky	6+, 29	6+, 29, 49+

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

¹ Population figures were extracted from the 1980 U.S. Census, Advance Reports.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that

parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10519 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-361; RM-3626]

TV Broadcast Stations Cleveland, Tennessee; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 53 to Cleveland, Tennessee, as its first television assignment, in response to a petition filed by Peggy Ann Rothchild.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the Matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Cleveland, Tennessee); MM Docket No. 83-361, RM-4330.

Proposed Rule Making

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making, filed January 6, 1983, by Peggy Ann Rothchild ("petitioner"), seeking the assignment of UHF Television Channel 53 to Cleveland, Tennessee, as its first television assignment.

2. Cleveland (population 26,415),¹ seat of Bradley County (population 67,547), is located in southeastern Tennessee, approximately 200 kilometers (125 miles) southeast of Nashville, Tennessee.

3. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. A site restriction of 9.7 miles southeast of Cleveland is required to avoid short-spacing to Station WKGB (Channel 53) in Bowling Green, Kentucky.

4. In view of the fact that Cleveland could receive its first local television service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community.

City	Channel No.	
	Present	Proposed
Cleveland, Tenn.		53

¹ Population figures are taken from the 1980 U.S. Census Advance Report.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note. A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1062; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.81, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and regulations, as

set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rule and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the

Commission's Rule and Regulation, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10520 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-360; RM-4369]

TV Broadcast Stations in Novato, California, Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 68 to Novato, California, as its first television assignment in response to a petition filed by Stephen J. Mewhort.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Novato, California); MM Docket No. 83-360, RM-4369.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed February 1, 1983, by Stephen J. Mewhort ("petitioner") seeking the assignment of UHF Television Channel 68 to Novato, California, as that community's first television assignment.

2. Novato (population 43,916)¹, in Marin County (population 222,952), is

¹ Population figures are taken from the 1980 U.S. Census Advance Report.

located approximately 35 kilometers (22 miles) north of San Francisco, California.

3. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned. A site restriction of 2.4 miles northeast of Novato is required in order to avoid short-spacing to Station KTEH (Channel 54) in San Jose, California, and to applications for Channel 66 in Vallejo, California.

4. In view of the fact that Novato could receive a first local television service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community:

City	Channel No.	
	Present	Proposed
Novato, Calif.		66

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at

the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10521 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-359; RM-4375]

FM Broadcast Stations Baker, Montana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Class C Channel 263 for Channel 265A in Baker, Montana, and to modify the permit for Station KFLN-FM accordingly, in response to a petition filed by the permittee, Empire Broadcasting Corporation.

DATES: Comments must be filed on or before May 31, 1983, and reply comments must be filed on or before June 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Mark N. Lipp, Mass Media Bureau, (202)
634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of an amendment of
§ 73.202(b), Table of Assignments, FM
Broadcast Stations. (Baker, Montana); MM
Docket No. 83-359, RM-4375.

Adopted: March 23, 1983.

Released: April 14, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 2, 1983, by Empire Broadcasting Corporation¹ ("petitioner"), which seeks to substitute Class C Channel 263 for Channel 265A in Baker, Montana, and to modify the construction permit for Station KFLN-FM (Channel 265A) to specify operation on Channel 263. Petitioner has submitted information in support of its proposal noting that the proposed Class C FM station would serve a large rural area.

2. We believe that the petitioner's proposal warrants consideration. The channel can be substituted in compliance with the minimum distance separation requirements. In accordance with our established policy, we shall propose to modify the permit of Station KFLN-FM (Channel 265A) to specify operation on Channel 263. However, if another party should indicate an interest in the Class C assignment, the modification could not be implemented. Instead, an opportunity for the filing of a competing application must be provided. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

3. Since the proposed channel substitution is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

4. In view of the apparent need for a wide coverage FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, for the following city:

City	Channel No.	
	Present	Proposed
Baker, Mont.	265A	263

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 31, 1983, and reply comments on or before June 15, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 734-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to the Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in

the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or

¹ Petitioner is the permittee of Station KFLN(FM) (Channel 265A) at Baker, Montana.

other documents shall be furnished the Commission.

6. **Public Inspection of Filings.** All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-10522 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

Review of Regulations Concerning the Taking of Sea Turtles for Subsistence Purposes

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Review of regulations concerning the taking of sea turtles for subsistence purposes.

SUMMARY: The Service has been requested by residents and the Governments of Guam and Hawaii to review the regulations prohibiting taking of sea turtles for subsistence purposes, except for the taking of the green sea turtles (*Chelonia mydas*) by residents of the Trust Territory of the Pacific Islands. In response to those requests the Service announces its intent to review Special Rule 50 CFR Part 227 Subpart D to determine whether the subsistence regulations for the Trust Territory of the Pacific Islands should be modified and whether the taking of sea turtles for subsistence purposes should be allowed in other areas of the Central and Western Pacific Ocean. To ensure that this review is comprehensive the Service is soliciting comments and information on all aspects of the use of sea turtles for subsistence purposes and will conduct several public meetings as specified below. The Service will determine if it is appropriate to modify existing regulations based upon the following: comments, information, and testimony received; review of the administrative record compiled prior to promulgation of the existing regulations; and a legal analysis of the subsistence issue being prepared by the National Oceanic and Atmospheric Administration's Office of General Counsel.

DATES: Comments and information must be received by June 20, 1983. Public meetings will be held as follows:

- May 10, 1983—Hilo, Hawaii, County Council Room, 2nd Floor, 25 Aupuni St. 7-9 p.m.
 - May 11, 1983—Kailua-Kona, Hawaii, Kona Hilton, Endeavor Room, 7-9 p.m.
 - May 12, 1983—Wailuku, Maui, Baldwin High School, Multipurpose Bldg., Lecture Hall, Kaahumanu Highway, 7-9 p.m.
 - May 16, 1983—Lanai City, Lanai, ILWU Hall, 840 Ilima Avenue, 7-9 p.m.
 - May 17, 1983—Kaunakakai, Molokai, Kaunakakai Elementary School Cafeteria, Kamehameha V Highway, 7-9 p.m.
 - May 18, 1983—Honolulu, Oahu, Prince Jonah Kuhio Federal Building, 5th Floor Cafeteria, 300 Ala Moana Blvd., 7-9 p.m.
 - May 19, 1983—Lihue, Hawaii, Kauai Regional Library, 4344 Hardy Street, 7-9 p.m.
 - June 6, 1983—Agana, Guam, Guam Reef Hotel, 7-9 p.m.
 - June 7, 1983—Saipan, Northern Mariana Islands Saipan Grand Hotel, 7-9 p.m.
 - June 8, 1983—Pago Pago, American Samoa, Rainmaker Hotel, Convention Center, 5:30-7:30 p.m.
- Public meetings may be held in the Trust Territory of the Pacific Islands in June 1983. The dates and locations of those public meetings will be published in the *Federal Register* as an addendum to this notice at least 30 days prior to the first meeting.
- ADDRESS:** Please address correspondence to Mr. Alan W. Ford, Regional Director, Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT:

Alan W. Ford, Regional Director, Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731, telephone (213) 548-2575 or FTS-796-2575; or Doyle E. Gates, Administrator, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii 96812, telephone (808) 955-8831.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act (ESA) of 1973, as amended, is administered jointly by the Departments of the Interior (Fish and Wildlife Service) and Commerce (NMFS). In general, the Department of Commerce is responsible for listed marine species and the Department of the Interior for terrestrial and aquatic species. The two Departments share jurisdiction of sea turtles with Interior having

responsibility for sea turtles in the terrestrial environment and Commerce have responsibility for sea turtles in the marine environment. On July 28, 1978, pursuant to the authority of section 4 of the ESA, NMFS and the Fish and Wildlife Service published in a Final Rule in the *Federal Register* listing and protecting loggerhead sea turtles (*Caretta caretta*), as threatened species and populations of green (*Chelonia mydas*) and olive ridley (*Lepidochelys olivacea*) sea turtles as threatened or endangered species. Breeding populations of green sea turtles in Florida and on the Pacific Coast of Mexico and of olive ridley sea turtles on the Pacific Coast of Mexico are listed as endangered species; the remaining population of both species are listed as threatened species.

The Final Rule also amended 50 CFR by adding a new Part 227, which, with few exceptions, prohibits commercial trade in and the taking of threatened species of sea turtles. Among the exception to the prohibition on takings is the taking of "any member of the species of the green sea turtle (*Chelonia mydas*) in waters seaward of mean low tide for personal consumption by residents of the Trust Territory of the Pacific Islands if such taking is customary, traditional, and necessary for the subsistence of such resident and his immediate family." The existing regulations do not allow any other taking of sea turtles for subsistence purposes. The exception was founded on information submitted by the Government of the Trust Territory of the Pacific Islands which documented the traditional use of green sea turtles by natives of the Trust Territory. This exception was not extended to other areas of the Central and Western Pacific because NMFS thought a complete prohibition was necessary in the other areas to control commercial trade in turtle shells, meat, and other products. Also, evidence was presented indicating that the green sea turtle population in Hawaii had declined, and NMFS concluded that a subsistence take in Hawaii might contribute to a further decline of that population.

Purpose of Review

The Service received requests from residents and the Governments of Guam and Hawaii to review existing regulations that prohibit the taking of sea turtles for subsistence purposes in Guam and Hawaii. The requests indicate that the regulations may discriminate against residents of Guam and native Hawaiians. The Service is responding to those requests by

reviewing the existing regulations to determine whether the subsistence regulations for the Trust Territory of the Pacific Islands should be modified and whether the taking of sea turtles for subsistence purposes should be allowed in other areas of the Central and Western Pacific Ocean.

Scope of Review

Because of the shared jurisdiction of sea turtles under the Endangered Species Act, during this review the Service will consider only the subsistence take of green sea turtles in the marine environment (seaward of mean low tide). Subsistence taking of green sea turtles or eggs on beaches is under the jurisdiction of the Department of the Interior and will not be considered. The Service will coordinate

this review with the Department of the Interior.

Information Solicited

To ensure that the review is complete and based upon the best available information, the Service is soliciting information concerning all aspects of subsistence use(s) of green sea turtles including, but not limited to, the need for subsistence taking for nutritional reasons, the historical use(s) of green sea turtles in the areas in question, and the impact(s) of subsistence taking on the affected populations and their recovery. The Service requests that comments and information be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications. All

correspondence should include the author's name, address, and any association, institution or business affiliation being represented. This request pertains only to information that was not considered during the rulemaking process leading to the Final Rule published in the Federal Register on July 28, 1978 (pp 32800-32811).

List of Subjects in 50 CFR Part 227

Endangered and threatened wildlife, Fisheries.

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation.

[FR Doc. 83-10402 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will meet at 10:00 a.m., May 17, 1983, at the Federal Building, 301 West Congress, Room 7X, Tucson, Arizona. The purpose of this meeting is to discuss allotment management planning including the Coronado National Forest Plan and EIS, and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602-629-6418. Written statements will be filed with the board before or after the meeting.

The board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

Larry S. Allen,

Acting Forest Supervisor.

April 12, 1983.

[FR Doc. 83-10429 Filed 4-19-83; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Forms Under Review by Office of Management and Budget

April 15, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the

information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Department Clearance Officer, (202) 447-6201.

Revised

- Food and Nutrition Service
- Administrative Review Report (Sponsor) and Civil Rights Racial Data Collection Form for Administrative Review Report (Site)

FNS 19-1, FNS 19-2

Nonrecurring

State or local governments and businesses or other institutions: 3,786 responses; 28,902 hours; not applicable under 3504(h)

Norma Ball (703) 756-3888

- Food and Nutrition Service
- Application for Participation—Sponsor and Site Information Sheet (SFSP)

FNS-81, FNS-81-1

Annually

State or local governments and businesses or other institutions: 15,988 responses; 52,860 hours; not applicable under 3504(h)

Norma Ball (703) 756-3888

- Statistical Reporting Service
- June and December Enumerative Surveys

Semiannually

Farms: 151,995 responses; 51,901 hours; not applicable under 3504(h)

Lee Sandberg (202) 447-8820

Reinstatement

- Agricultural Stabilization and Conservation Service Farm Operating Plan for Payment Limitation

ASCS-561

On occasion and annually

Federal Register

Vol. 48, No. 77

Wednesday, April 20, 1983

Farms: 3,500 responses; 1,460 hours; not applicable under 3504(h)

Jackie Stonfer (703) 382-9881

Marshall L. Dantzler,

Acting Department Clearance Officer.

[FR Doc. 83-10474 Filed 4-19-83; 8:45 am]

BILLING CODE 3410-01-M

CIVIL RIGHTS COMMISSION

Alabama Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 11:00a and will end at 2:30p, on May 5, 1983, in the Seaboard Room, at the Sheraton Riverfront, 200 Coosa Street, Montgomery, Alabama, 36104. The purpose of this meeting is to discuss the proposed project on the Montgomery police/community relations.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Abigail Turner, Post Office Box 2963, Mobile, Alabama, 36601, (205) 433-7409 or the Southern Regional Office, Citizen Trust Bank Building, 75 Piedmont Avenue, North East, Room 362, Atlanta, Georgia, 30303, (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 19, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-10722 Filed 4-19-83; 11:20 am]

BILLING CODE 8335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 9-83]

Proposed Foreign-Trade Zone Wilmington and Kent County, Delaware; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the State of Delaware through the Delaware Development Office (DDO), requesting authority to establish a

general-purpose foreign-trade zone with sites in the City of Wilmington and in Kent County, adjacent to the Wilmington Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 5, 1983. The applicant is authorized to make this proposal under Chapter 75, Title 6 of the Delaware Code.

The proposed foreign-trade zone will involve two separate sites totaling 660 acres. Site 1 would encompass the 615-acre Port of Wilmington, which is owned and operated by the City of Wilmington. A 144,000 square foot building near the terminal area will be made available for initial zone activity. Operation of the project will be a cooperative effort between DDO and the City and Port of Wilmington.

Site 2 involves an industrial area covering 45 acres on Southern Boulevard in and adjacent to the Town of Wyoming, Kent County. DDO will assume jurisdiction and control of the site from the owner, Quality Kitchen Foods, Inc., and develop the facility as a public industrial park in cooperation with the Town of Wyoming and Kent County. An existing 30,000 square foot structure is currently being renovated as a refrigerated warehouse to be used by Quality Kitchen for storage of orange juice concentrate. Public warehouse facilities are planned.

The application contains evidence of the need for zone services in Delaware. Several firms have indicated an interest in using zone procedures for warehousing/distribution operations involving orange juice concentrate, seafood and other food products, machinery and components, electronic products, medical equipment, and vaccines. No approvals are being requested for manufacturing at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, Massachusetts 02110; and Lt. Colonel Roger L. Baldwin, District Engineer, U.S. Army Engineer District Philadelphia, 2nd and Chestnut Streets, Philadelphia, Pennsylvania 19106.

As part of its investigation, the examiners committee will hold a public hearing on May 4, 1983, beginning at 9:00 a.m., in the City Council Chambers of the City-County Building, Wilmington. Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377-2862) by May 2. Written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through June 3, 1983. A copy of the application will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, New Federal Bldg., Room 1218 F, 844 King Street, Wilmington, Delaware 19801
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, N.W., Washington, D.C. 20230

Dated: April 15, 1983.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 83-10506 Filed 4-19-83; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Steel Pipes and Tubes From Japan; Allowance of Security in Lieu of Estimated Duty Pending Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of allowance of security in lieu of estimated duty pending early determination of antidumping duty.

SUMMARY: The Department of Commerce has determined that, on the basis of information received from the only manufacturer currently subject to the antidumping duty order on certain steel pipes and tubes from Japan, Sumitomo Metal Industries, Ltd., we have a sufficient basis to conduct an expedited review of the order. The Department will determine the appropriate foreign market values and United States prices by May 30, 1983. We will permit Sumitomo Metal Industries, Ltd. to post bonds or other security in lieu of the cash deposit of estimated antidumping duties for merchandise entered, or withdrawn

from warehouse, for consumption on or after the date of publication of this notice and before May 30, 1983.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 377-5255/3601.

SUPPLEMENTARY INFORMATION: On March 1, 1983, the Department of Commerce ("the Department") published in the Federal Register an antidumping duty order on certain steel pipes and tubes ("CSPT") from Japan (48 FR 8522). The Department announced that, in addition to deposits of estimated normal customs duties, Customs officers were to require a cash deposit of estimated antidumping duties on all merchandise entered, or withdrawn from warehouse, for consumption on or after March 1, 1983.

On February 25, 1983, Sumitomo Metal Industries, Ltd. ("SMI") requested that the Department waive the requirement for cash deposit of estimated antidumping duties and conduct an expedited review pursuant to section 736(c) of the Tariff Act of 1930, as amended ("the Tariff Act").

Before granting a waiver of cash deposits of estimated antidumping duties we must be satisfied that, based upon the information presented by SMI, we will be able to determine the appropriate foreign market values and United States prices within 90 days after the date of publication of the order.

After reviewing the information submitted by SMI, the Department is satisfied that it will be able to determine the appropriate foreign market values and United States prices.

Accordingly, the Department is instructing the Customs Service to waive cash deposits of estimated antidumping duties and accept bonds or other security for entries of CSPT manufactured by SMI entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days after the date of publication. The Department will publish the results of this expedited review by May 30, 1983, including the results of its analysis of any such comments or hearing.

This notice is published in accordance with section 736(c)(2)(A) of the Tariff Act (19 U.S.C. 1675(c)(2)(A)).

April 7, 1983.

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 83-10501 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

Leather Wearing Apparel From Colombia; Preliminary Results of Administrative Review of Suspension Agreement

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of suspension agreement.

SUMMARY: The Department of Commerce has conducted an administrative review of the agreement suspending the countervailing duty investigation on leather wearing apparel from Colombia. The review covers the period September 1, 1981 through June 30, 1982. As a result of the review, the Department has preliminarily determined that Confecciones Amazonas Orinoco, a Colombian exporter of leather wearing apparel to the United States, has complied with the terms of the suspension agreement. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Joseph Black, Office of Compliance, Room B099, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 1982 the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 40679) the final results of its last administrative review of the agreement suspending the countervailing duty investigation on leather wearing apparel from Colombia (46 FR 19963, April 2, 1981) and announced its intent to conduct the next administrative review by the end of April 1983. As provided for in section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Merchandise covered by the review includes men's, boys', women's, girls' and infants' leather coats and jackets and other leather wearing apparel (such

as vests, pants and shorts), as well as parts and pieces thereof. Such imports are currently classifiable under items 791.7620, 791.7640 and 791.7660 of the Tariff Schedules of the United States Annotated. The review covers the period September 1, 1981 through June 30, 1982 and the only program found to constitute a subsidy in the preliminary affirmative determination in the original investigation, the Tax Reimbursement Certificate Program ("CAT").

Analysis of Program

Under the CAT program, exporters of leather wearing apparel receive tax certificates equal to a percentage of the domestic value-added content of each shipment. Since our last review, the value-added content as a percentage of total value declined significantly. The potential rate of subsidy under this program was 6.48 percent *ad valorem* during the review period.

Compliance with Agreement

In the suspension agreement, Confecciones Amazonas Orinoco ("CAO") renounced all CAT benefits associated with exports of leather wearing apparel to the United States, and agreed not to accept substitute or equivalent benefits. On the basis of information provided by the Banco de la Republica (the Central Bank of Colombia) and the Colombian government, we have found that CAO did not apply for nor has it received benefits under the CAT program during the review period. The government has also certified that no substitute or equivalent benefits were available to CAO either directly or indirectly. The agreement can remain in force only so long as the shipments covered by the agreement account for at least 85 percent of exports of such merchandise to the United States. Our information indicates that CAO continued to account for at least 85 percent of U.S. imports during the period of review.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that CAO has complied with the terms of the suspension agreement for the period September 1, 1981 through June 30, 1982.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the

date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any issues raised in such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: April 13, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-10500 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

Perchloroethylene From France; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On November 17, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on perchloroethylene from France. The review covers the only known exporter of this merchandise to the United States, Chloe Chimie, and the period May 1, 1981 through April 30, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. Chloe Chimie submitted one comment. Based on our analysis of the comments, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: April 19, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On May 18, 1979, the Treasury Department published in the *Federal Register* (44 FR 29045) a dumping finding with respect to perchloroethylene from France. On November 17, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 51779) the preliminary

results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet odor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for dry cleaning of clothing, but is also used in other applications such as vapor degreasing of metals. Perchlorethylene is currently classifiable under item 429.3400 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of French perchlorethylene to the United States, Chloe Chimie, and the period May 1, 1981 through April 30, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Analysis of Comments Received

Interested parties were given an opportunity to submit oral or written comments on our preliminary results. We received one comment from Chloe Chimie.

Comment: Chloe Chimie argues that the Department's policy of minimum time requirements for revocation, as described in the preliminary results of review, is arbitrary and capricious, wholly unexplained, and unsupported by law or fact. Chloe Chimie contends that, because it has not shipped for three years and seven months (from February 2, 1979, the date of suspension of liquidation through August 31, 1982, the date Chloe Chimie first requested revocation), it has met all statutory and regulatory conditions for revocation. Our refusal to consider its application for revocation at this time will create substantial prejudice to it because, under our existing practice, we are not required to conduct our next administrative review until May 1984.

Department's Position

The Commerce Regulations do not establish minimum time requirements for revocation in cases where a firm ceased exporting to the United States for a number of years. Section 353.54(b) of the Commerce Regulations provides only that a firm selling to the U.S. must have two years of sales at not less than fair value before it is eligible for revocation. It is within the Department's discretion to establish a similar

eligibility requirement for firms with no exports.

We disagree that our refusal to consider Chloe Chimie's request at this time creates any prejudice to the firm. We will consider its request in our next administrative review. We expect to complete the next review in an expeditious manner.

Final Results of the Review

Based on our analysis of the comment received, the final results of our review are the same as those presented in the preliminary results of review.

As provided for § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 47.82 percent, based on the most recent margin calculated for the firm, shall be required on all shipments of French perchlorethylene entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: April 13, 1983.

Gary N. Horlick

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-10502 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Canada. The review covers the six known exporters of this merchandise to the United States and the period July 1, 1981 through June 30, 1982. The review indicates the existence of a *de minimis*

dumping margin in the period for one exporter.

As a result of the review, the Department has preliminarily determined to assess dumping duties for that firm equal to the calculated differences between United States price and foreign market value on each of its sales during the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Alfredo Montemayor or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 36683) the final results of its last administrative review of the antidumping finding on pig iron from Canada (36 FR 13780, July 24, 1971) and announced its intent to conduct the next administrative review by the end of July 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 806.1500 of the Tariff Schedules of the United States Annotated.

The review covers the six known exporters of Canadian pig iron to the United States and the period July 1, 1981 through June 30, 1982. Two exporters did not export Canadian pig iron to the United States during the review period. The estimated antidumping duty cash deposit rates for these exporters will be the most recent information for each exporter.

United States Price

In calculating United States price the Department used purchase price as defined in section 772 of the Tariff Act. Purchase price was based on the ex-mill price or FOB price to the first unrelated purchaser in the United States. Where applicable, deductions were made for Canadian inland freight and freight equalization. Freight equalization is a price adjustment that allows a manufacturer to sell at the same price to customers located at different distances from that manufacturer. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to be used as a basis of comparison. Home market price was based on the ex-mill price of FOB price to the first unrelated purchaser. Where applicable, deductions were made for Canadian inland freight and freight equalization. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period July 1, 1981 through June 30, 1982:

Manufacturer/Exporter	Margin (%)
Abex Industries, Limited	*0
Algoma Steel Corporation, Ltd.	0
Dofasco Inc.	0
Stelco Inc./Hickman Williams Canada, Ltd.	0
Philip Brothers (Canada), Ltd.	7.30
Stelco Inc.	0.007

* No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made within 5 days after the date of publication.

The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time period involved. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the above margins shall be required on all shipments of Canadian pig iron from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Since the

margin for Stelco, Inc. is less than 0.5 percent and, therefore, *de minimis* for deposit purposes, the Department waives the requirement of a cash deposit for Stelco, Inc. on future entries. No cash deposit shall be required for any future shipment from a new exporter not covered in this or prior reviews, whose first shipments occurred after June 30, 1982 and who is unrelated to any reviewed firm. These deposit requirements and the waiver for Stelco shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

April 13, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-10504 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

Portland Cement, Other Than White, Nonstaining Portland Cement From the Dominican Republic; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on portland cement, other than white, non-staining portland cement from the Dominican Republic. The review covers the only known exporter of this merchandise to the United States and the period June 1, 1981 through May 31, 1982.

As a result of the review, because the firm failed to respond to our questionnaire, the Department has preliminarily determined to assess dumping duties on the firm's sales during the period of review using the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Al Jemott or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1982, the Department of Commerce ("the Department") published in the Federal Register (47 FR 33307-8) the final results of its last administrative review of the antidumping finding on portland cement, other than white, non-staining portland cement from the Dominican Republic (28 FR 4507-8, May 4, 1963) and announced its intent to conduct the next administrative review by the end of May 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of portland cement, other than white, non-staining portland cement, currently classifiable under item numbers 511.1420 and 511.1440 of the Tariff Schedules of the United States Annotated.

The review covers the only known exporter of portland cement, other than white, non-staining portland cement from the Dominican Republic to the United States, Fábrica Dominicana de Cemento, C. por A., and the period June 1, 1981 through May 31, 1982. The exporter failed to respond to our questionnaire. For this non-responsive firm the Department will use the best information available for assessment and estimated antidumping duty cash deposit purposes. The best information available is the most recent rate for the firm.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 10.33 percent exists for the period June 1, 1981 through May 31, 1982.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time period involved. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 10.33 percent shall be required on all shipments of portland cement, other than white, non-staining portland cement from the Dominican Republic entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (9 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 13, 1983.

[FR Doc. 83-10503 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

Applications For Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus or equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the *Federal Register*.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 83-162. Applicant: University of Southern California, University Park, Los Angeles, CA 90089-0482. Instrument: Circular Dichroism Spectropolarimeter, Model #J500C. Manufacturer: Japan Spectroscopic Co.,

Ltd., Japan. Intended use of instrument: The instrument is intended to be used for studies of primarily chemical and biochemical solutions. Experiments will be conducted to obtain circular dichroism spectra of various materials at various temperatures. The objectives of these experiments are: (i) to develop quantitative methods of assessing the structure of the molecules under study; (ii) to study subtle changes in the structure with temperature; and (iii) to compare predicted and experimental structures. Application received by Commissioner of Customs: March 30, 1983.

Docket No. 83-166. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Ave., Brooklyn, NY 11203. Instrument: Electron Microscope Model #EM 109 complete with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used for the following purposes:

- (1) Investigation of human renal biopsy material,
- (2) Study of human solid and lymphoid tumors,
- (3) Study of human renal allografts,
- (4) Investigation of the occurrence, evolution, and response to, therapy of lesions in renal biopsies from children with recently diagnosed diabetes,
- (5) Examination of human bronchial biopsies from patients with bronchiectasis to identify ultrastructural abnormalities e.g., Immotile-Cilia Syndrome, and
- (6) Examination of human biopsies of warts, condylomas, and dysplasias to identify etiologic agents, e.g., viruses.

In addition, the instrument will be used in the training of residents in anatomic pathology. Application received by Commissioner of Customs: March 30, 1983.

Docket No. 83-169. Applicant: President and Fellows of Harvard College, 9 Oxford Street, Gordon McKay Lab, Cambridge, MA 02138. Instrument: Electron Microscope, Model #EM 420T with Accessories. Manufacturer: N.V. Philips, Electronic Instruments, The Netherlands. Intended use of instrument: The instrument is intended to be used to obtain real space images and diffraction information of a broad range of materials—including semiconductors, superconductors, and metallo-organics, polymers, metallic alloys, ceramics and compositionally modulated compounds. In the process of obtaining the broad range of research objectives, the instrument will be used to train graduate students in chemistry, materials science, geology and applied physics—the

techniques of electron optics, imaging and analysis. Instruction will be formally presented in the courses Applied Physics 210, Engineering Science 190, and Physics 247. Application received by Commissioner of Customs: March 31, 1983.

Docket No. 83-170. Applicant: University of Wisconsin—Madison, Chemistry Department, 1101 University Avenue, Madison, WI 53706. Instrument: Excimer Laser, Model TE-861T-4 with Standard Multigas Electrode Assembly and Model 727 Capacitor. Manufacturer: Lumonics, Canada. Intended use of instrument: The instrument will be used to excite six dye lasers that will excite nonlinear processes of atoms in flames and of low temperature organic samples with the purpose of performing a qualitative analysis of those samples. The instrument will be required by six students who are studying for their doctorates in a course labeled Chemistry 992—Research in Analytical Chemistry. Application received by Commissioner of Customs: April 5, 1983.

[Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.]

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-10505 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program; Quarterly Report (January 1-March 31, 1983)

AGENCY: National Bureau of Standards, Commerce.

ACTION: Publication of NVLAP quarterly report.

SUMMARY: The National Bureau of Standards (NBS) announces laboratory accreditation actions for the first quarter of 1983. In addition, the status of all NVLAP laboratory accreditation programs (LAPs) is summarized.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, D.C. 20234, (301) 921-3431.

SUPPLEMENTARY INFORMATION: This report has been prepared in accordance with §§ 7a.17(a), 7b.17(a), and 7c.17(a) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures (15 CFR Parts, 7a, 7b, and 7c). In addition, to fulfill NVLAP

requirements for monthly reporting of accreditation actions, notice of such actions taken under NVLAP for the month of March is included in this report.

NVLAP accreditation does not relieve the laboratories from the necessity of observing and complying with existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to their operations, including consumer protection and antitrust laws.

Accreditation is granted for a period of one year. However, before expiration, accreditation may be terminated at the request of the laboratory or may be revoked due to violation of the accreditation criteria or other conditions of the laboratory's accreditation. The criteria are described in §§ 7a.19-7a.30 of the NVLAP Procedures (15 CFR Parts 7a, 7b, and 7c).

New Accreditations Granted

Six laboratories were newly accredited during March 1983. The name and address of each laboratory, the test methods and the accreditation renewal date for which accreditation was granted are listed below.

GOLD BOND BUILDING PRODUCTS, A NATIONAL GYPSUM DIVISION RESEARCH CENTER

[Attr: Joseph Volk, 1550 Military Road, Buffalo, NY 14217, Phone: (716) 873-9750. Accreditation renewal date: April 1, 1984]

NVLAP code	Designation	Short title
08/E21	AMA-1-II-67	Ceiling sound Transmission Test by Two-Room Method.

JIM WALTER RESEARCH CORPORATION

[Attr: Alan P. Conroy, 10301 9th Street North, St. Petersburg, FL 33702, Phone: (813) 576-4171. Accreditation renewal date: January 1, 1984]

NVLAP code	Designation	Short title
08/P03	ANSI/ASTM C423-81	Sound Absorption and Sound Absorption Coefficients.

MANVILLE CORPORATION R & N CENTER

[Attr: Robert L. Mason, P.O. Box 5108, Denver, Colorado 80217, Phone: (303) 978-5553. Accreditation renewal date: January 1, 1984]

NVLAP code	Designation	Short title
08/P02	ANSI/ASTM C384-77	Impedance and Absorption of Acoustical Materials.
08/P04	ASTM C522-80	Airflow Resistance of Acoustical Materials.

OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

[Attr: Harland E. Fargo, P.O. Box 415, Route 18, Granville, OH 43023, Phone: (614) 587-7010. Accreditation renewal date: January 1, 1984]

NVLAP code	Designation	Short title
08/P01	ANSI/ASTM C367-78	Strength Properties, Prefabricated Architectural Acoustical Materials.
08/P02	ANSI/ASTM C384-77	Impedance and Absorption of Acoustical Materials.
08/P03	ANSI/ASTM C423-81	Sound Absorption and Sound Absorption Coefficients.
08/P04	ASTM C522-80	Airflow Resistance of Acoustical Materials.
08/P05	ASTM C523-68 (81)	Light Reflectance of Acoustical Materials.
08/P06	ANSI/ASTM E90-82	Airborne Sound Transmission Loss of Building Partitions.
08/P10	ANSI S1.31-80	Sound Power Levels, Broad-Band Noise Sources in Reverberation Rooms (100 to 10,000 Hz).
08/P13	ANSI S1.32-80	Sound Power Levels, Discrete-Frequency and Narrow-Band Noise Sources in Reverberation Rooms (100 to 10,000 Hz).
08/E21	AMA-1-II-67	Ceiling Sound Transmission Test by Two-Room Method.

RIVERBANK ACOUSTICAL LABORATORY

[Attr: Owen J. Viergutz, P.O. Box 189, 1512 Batavia, Geneva, IL 60134, Phone: (312) 567-4703. Accreditation renewal date: April 1, 1984]

NVLAP code	Designation	Short title
08/P03	ANSI/ASTM C423-81	Sound Absorption and Sound Absorption Coefficients.
08/P05	ASTM C523-68 (81)	Light Reflectance of Acoustical Materials.
08/P06	ANSI/ASTM E90-82	Airborne Sound Transmission Loss of Building Partitions.
08/P07	ANSI/ASTM E492-82	Impact Sound Transmission Through Floor-Ceiling Assemblies.
08/P10	ANSI S1.31-80	Sound Power Levels, Broad-Band Noise Sources in Reverberation Rooms (100 to 10,000 Hz).
08/P17	ISO 3741-75	Sound Power Levels, Broad-Band Sources in Reverberation Rooms (direct method only) (100 to 10,000 Hz).
08/E01	ANSI B71.1-80 (para. 9 and 21).	Sound Level Tests: Power Lawn Mowers, Lawn and Garden Tractors and Lawn Tractors.

VIRGINIA CONCRETE LABORATORY

[Attr: Richard A. Buckelew, Box 666, Springfield, VA 22150, Phone: (703) 354-8111. Accreditation renewal date: April 1, 1984]

NVLAP code	Designation	Short title
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172	Sampling Fresh Concrete.
02/P01	ASTM C143	Slump of Portland Cement Concrete.

VIRGINIA CONCRETE LABORATORY—Continued

[Attr: Richard A. Buckelew, Box 666, Springfield, VA 22150, Phone: (703) 354-8111. Accreditation renewal date: April 1, 1984]

NVLAP code	Designation	Short title
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens.
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method.

Jim Walter Research Corporation, Manville Corporation R&D Center, and Owens-Corning Fiberglas Corp. Technical Center are also accredited for certain test methods in the Insulation LAP.

Accreditation for STS Consultants, LTD, Raleigh, North Carolina expired on April 1, 1983, because it did not complete the evaluation process.

Accreditation for Additional Test Methods

Two previously accredited laboratories added a test method to their list of accredited test methods. The laboratories and the test methods are:

Jim Walter Research Corporation, St. Petersburg, FL previously accredited under the Thermal Insulation Materials LAP added ASTM E84, Surface burning characteristics; building materials, to their test method list.

Salem Carpet Laboratory, Chatsworth, GA previously accredited under the Carpet LAP added ASTM E648, Radiant Panel (Carpet) to their test method list.

Renewed Accreditations

The following laboratories were reaccredited during the first quarter of 1983 for one or more test methods available under NVLAP. Each laboratory received a certificate of accreditation and a corresponding list of test methods for which each is accredited. Anyone wishing to know the test methods for which each laboratory has been reaccredited should request the listing from the laboratory directly or from Mr. Locke at the address given above. Note that laboratories may change the test methods for which they are accredited from year to year, so the user should secure the current list of accredited test methods.

A & H/Flood Engineering, Hillside, IL
American Testing Laboratories, Inc., Lancaster, PA

Arizona Sand & Rock Company, Phoenix, AZ

Associated Testing Laboratories, Wayne, NJ

Atlantic Testing Laboratories, Inc.,
Cicero, NY
Engineering Testing Laboratory, City of
Akron, Akron, OH
West Virginia Department of Highways,
Materials Control, Soil and Testing,
Charleston, WV

Insulation LAP Status

The LAP for thermal insulation materials has 63 test methods for which accreditation may be granted. 33 laboratories are currently accredited to perform one or more of these test methods.

Concrete LAP Status

The LAP for freshly mixed field concrete has two groups of test methods and one optional test method for which accreditation can be granted. 47 laboratories are currently accredited under the Concrete LAP.

Carpet LAP Status

The LAP for carpet has 12 test methods for which accreditation may be granted. 23 laboratories are currently accredited for one or more of these test methods.

Stove LAP Status

The LAP for solid fuel room heaters has 21 test methods in three categories for which accreditation may be granted. Six laboratories are currently accredited for one or more of these test methods.

Acoustics LAP Status

The LAP for acoustical testing services has 49 test methods for which accreditation may be granted. Accreditation certificates were issued to the first group of laboratories listed above under *New Accreditations Granted*. The evaluation of other laboratories which have applied for accreditation is proceeding. Plans for proficiency testing for ASTM Test Method C423 and E90 are being drafted.

LAPs under Development

Dosimetry LAP—Comments have been received from the industry overview committee on the draft LAP Handbook. Responses to the request for proposal (RFP) for procuring the services of a testing laboratory have been received and are being evaluated. An award is expected to be made during the second quarter of 1983. Fifty-one persons have indicated interest in serving as technical experts, and evaluation of these is presently in progress. We expect to announce the formal establishment of this LAP during the second quarter of 1983.

Electromagnetic Calibration Services

LAP—A draft LAP Handbook is expected to be ready during the third quarter of 1983. Final details for the proficiency testing and the relationship of a Measurement Assurance Program are still being developed.

Dated: April 15, 1983.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 83-10480 Filed 4-19-83 9:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Extension of Comment Period on Permit Application

On March 17, 1983, Notice was published in the *Federal Register* (48 FR 11310) that an application was received from Sea World, Inc., 1720 South Shores Road, Mission Bay, San Diego, California 92109, for a Scientific Research/ Public Display Permit under the Marine Mammal Protection Act of 1972 to take killer whales (*Orcinus orca*).

On April 5, 1983, Sea World, Inc. requested an extension of the comment period to allow more time for all interested parties to submit comments.

Notice is hereby given that the comment period for this application is extended until May 19, 1983. Written data or views should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235. Information concerning this notice or the application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731; and Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 14, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10510 Filed 4-19-83; 9:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Issuance of Permit

On February 18, 1983, Notice was published in the *Federal Register* (48 FR

7244), that an application had been filed with the National Marine Fisheries Service by Dr. Bruce R. Mate, Oregon State University, Newport, Oregon 97365 to take by acoustic harassment up to 35,000 pinnipeds and cetaceans over a five year period for scientific research.

Notice is hereby given that on April 12, 1983, and as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Dr. Bruce R. Mate, to take the marine mammal species requested subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, N.E. BIN C15700, Seattle, Washington 98115; Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1688, Juneau, Alaska 99802; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species & Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10509 Filed 4-19-83; 9:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; Dr. Daniel P. Costa

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name, Dr. Daniel P. Costa (P227F).

b. Address, Center for Coastal Marine Studies, University of California, Santa Cruz, California 95064.

2. Type of permit, Scientific Research.

3. Name and Number of Animals:

Stellar sea lion (*Eumetopias jubatus*), 70.

4. Type of take: Forty (40) adult females will be paint marked; and thirty (30) suckling pups will be captured, held a short period for energy transfer studies, tagged, released and recaptured up to three (3) times.

5. Location of activity: Ano Nuevo, California.

6. Period of activity: 2 years.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. This holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 12, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10399 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; John M. Francis etc.

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name Mr. John M. Francis, Ms. Carolyn B. Heath, and Dr. Daniel Costa (P227E).

b. Address, Center for Coastal Marine Studies, University of California at Santa Cruz, Santa Cruz, California 95064.

2. Type of permit; Scientific Research.

3. Name and number of animals:

California sea lions (*Zalophus californianus*); 260.

4. Type of take: Capture, tissue sample, radio tag and recapture and release 25 animals per year. Capture stomach lavage and release 60 over 4 years.

5. Location of activity: Channel Islands, California.

6. Period of activity: 4 years.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10400 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit; Maine Department of Marine Resources

On March 11, 1983, Notice was published in the *Federal Register* (48 FR 10421), that an application has been filed with the National Marine Fisheries Service by the Maine Department of Marine Resources, State House Station 21, Augusta, Maine 04333, for a permit to take shortnose sturgeon (*Acipenser brevirostrum*) for scientific purposes.

Notice is hereby given that on April 12, 1983, and as authorized by the

provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Scientific Purposes Permit for the above taking to the Maine Department of Marine Resources subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on the finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Act.

The Permit is available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10401 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

Request for a Modification to a General Permit

On February 22, 1983 (48 FR 8113, February 25, 1983) a Category 1 General Permit was issued to the German Democratic Republic authorizing the taking of 4 cetaceans and 9 phocid seals during 1983 in the North Atlantic Ocean within the U.S. fishery conservation zone.

The vessels operating under this general permit are also licensed to participate in the joint venture fishery for squid. As a result of this joint venture fishery, the vessel *Stubnitz* has reported a higher than anticipated incidental take under its quota. Although U.S. vessels are considered to be doing the taking of marine mammals, in transferring their cod ends to the GDR vessel, any marine mammals taken in the net land onboard the processing vessel, a taking under the MMPA. General Permit Holders have the option of including this incidental take under their quota.

For that reason, on March 14, 1983, the Joint Trawlers (North America) Limited, acting as agent for vessels for the German Democratic Republic, requested a take for an additional 20 small cetaceans during 1983 to account for their joint venture operations.

Interested parties may submit written comments on this request for permit modification. Comments must be received within 30 days of the date of this notice and should be addressed to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235.

Dated: April 12, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-10398 Filed 4-19-83; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 8, 1983.

The USAF Scientific Advisory Board Logistics Cross-Matrix Panel will meet at Andrews Air Force Base, DC on May 25-27, 1983. The purpose of the meeting will be to review selected AFSC projects related to logistics and supportability of weapon systems. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10486 Filed 4-19-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 8, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on the Potential Military Utility of a Manned National Space Station will meet at the Pentagon, Washington, DC on May 23-24, 1983. The purpose of the meeting will be to review NASA contractors' studies. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph

(1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-10486 Filed 4-19-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (92-463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Dates of Meeting: Thursday and Friday, 5-6 May 1983.

Times: 0830-1700 hours (closed) both days.

Place: 5 May 1983—Chemical Systems Laboratory, Aberdeen Proving Ground, MD

6 May 1983—Pentagon, Washington, DC

Agenda: The Army Science Board Ad Hoc Subgroup on the Decontamination Program will meet for classified briefings and discussions on decontamination materiel research, development, testing and acquisition programs, and chemical warfare threat. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695-3039 or 697-9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83-10675 Filed 4-19-83; 8:45 am]

BILLING CODE 3710-08-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the

need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for Department of the Army Permit.

The regulatory program concerns not only the integrity of navigation channels but also the quality of U.S. inland waters. Public completes the application to obtain permission to alter U.S. waters.

Individuals or firms making structural changes affecting the navigational waters of the U.S.; 16,000 responses; 80,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Venderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 15, 1983.

[FR Doc. 83-10539 Filed 4-19-83; 8:45 am]

BILLING CODE 3710-08-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of

the information proposal may be obtained.

Renewal

Dependency Affidavits, DD Form 137-3 USAFAC Forms.

In compliance with Dependence Act of 1950, financial information is needed to screen applicants for dependent assistance. If the applicant meets the requirement of the act, assistance is provided.

Dependents of Army Service Members: 12,600 responses; 18,900 hours.

Forward Comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A858, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

April 15, 1983.

[FR Doc. 83-10640 Filed 4-19-83; 8-45 am]

BILLING CODE 3710-08-M

Department of the Army; Corps of Engineers

National Dredging Study

AGENCY: Water Resources Support Center, U.S. Army Corps of Engineers, Defense.

ACTION: Announcement of study.

SUMMARY: The U.S. Army Corps of Engineers has asked the National Research Council of the National Academy of Sciences, through its Marine Board, to undertake a study of national needs and capabilities for dredging of ports and harbors and of navigational channels.

DATES: Comments must be received by May 23, 1983.

ADDRESSES: Send written comments to Aurora Gallagher, Staff Officer, Study of National Dredging Issues, Marine Board, National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. 20418.

SUPPLEMENTARY INFORMATION: A committee appointed by the National Research Council will undertake an interdisciplinary assessment of national needs for improvement and maintenance dredging in coastal ports and harbors, including their navigational channels. These needs will be evaluated

as a function of (1) demands for shipborne trade, (2) likely trends in the world shipping fleet to carry that trade, (3) relationship of inland and marine transportation systems, (4) design criteria for safe and efficient navigation of the projected ship types and levels of traffic, (5) identification of opportunities for improvement dredging or development or alternatives such as deepwater ports, ships of high beam-to-draft ratios, and others, as well as critically needed maintenance dredging. The period covered by the study is the near-term and mid-term future (to about the year 2000).

In making its assessment, the committee will consider the likelihood and value of trade for various channel and port configurations, appropriateness of various institutional and financial arrangements, design criteria and disposal plans for dredge materials, mutual implications of port development and the physical and biological environment, and needed research and development.

Of particular interest of the Marine Board in the conduct of this study are the judgments of those with interests in the navigational channels and other facilities of the coastal ports created or maintained by dredging. Examples of areas to be addressed include (1) the extent of the current and future national dredging needs, (2) whether existing regulatory and institutional arrangements for dredging are adequate, and (3) the implications for the marine and inland environment of dredging operations and disposal of dredged materials.

Comments may be general or directed to specific concerns: general comments should be supported by facts or examples. Interested people are invited to participate in this study by submitting written data, views, suggestions, or other statements, or by offering to make their expertise available in the course of the study. Commentators should include their affiliation and reasons for comments.

Dated: April 13, 1983.

John O. Roach II,

DA Liaison Officer with The Federal Register.

[FR Doc. 83-10634 Filed 4-19-83; 8-45 am]

BILLING CODE 3710-08-M

Defense Logistics Agency

Privacy Act of 1974; Deletion of Notices for Systems of Records

AGENCY: Defense Logistics Agency, Defense.

ACTION: Deletion of notices for systems of records.

SUMMARY: The Defense Logistics Agency (DLA) proposes to delete the notices for 12 systems of records subject to the Privacy Act of 1974.

DATES: This action will be effective without further notice on May 20, 1983.

ADDRESSES: Send any comments to: Mr. Preston B. Speed, Chief, Administrative Management Branch, HQ Defense Logistics Agency, Cameron Station, Alexandria, VA 22314, Telephone: 202/274-6234.

FOR FURTHER INFORMATION CONTACT: Mr. Speed at the above address and telephone number.

SUPPLEMENTARY INFORMATION: The DLA notices for systems of records subject to the Privacy Act of 1974, as amended, Title 5, United States Code, Section 552a, were last published in the *Federal Register* at 47 FR 2544, January 18, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

April 15, 1983.

DELETIONS

S111.11 DCRA-AA

SYSTEM NAME:

Atlanta Personnel Data Bank System.

REASON:

This system is covered by OPM GOVT-1.

S111.11 DCRT-E

SYSTEM NAME:

Defense Contract Administration Services Region (DCASR) Dallas Personnel Data Bank.

REASON:

This system was scheduled for deletion and is now covered by OPM GOVT-1.

S111.11 DDTC-R

SYSTEM NAME:

Civilian Personnel Data Bank.

REASON:

This system is covered by OPM GOVT-1.

S150.20 DLA-T

SYSTEM NAME:

Security Violations File.

REASON:

This system is no longer required.

S214.10 DCRN-MA**SYSTEM NAME:**

Emergency Transportation of
Essential Personnel.

REASON:

This system is no longer required.

S322.35 DLA-M**SYSTEM NAME:**

Officer/Enlisted Evaluation Report
File and File Summary.

REASON:

This system is no longer required.

S330.15 DPSC-G**SYSTEM NAME:**

Authorization File.

REASON:

This system is no longer required.

S330.50 DPSC**SYSTEM NAME:**

Defense Personnel Support Center
(DPSC) Civilian Personnel File.

REASON:

This system is now covered by
S434.15 DLA-KP.

S330.60 DCRT-E-Z**SYSTEM NAME:**

Dallas Internal Personnel
Management Information System
(DIPMIS).

REASON:

This system is no longer in existence.

S335.80 DLA-Q**SYSTEM NAME:**

Quality Assurance Staff Development
Program.

REASON:

This system was replaced by S355.02
DCIDO, DLA-Intern Records.

S390.05 DCRB-M**SYSTEM NAME:**

Boston Equal Employment
Opportunity (EEO) Skills Bank.

REASON:

This system is no longer required by
management.

S690.01 DISC-W**SYSTEM NAME:**

Car Pool Program in Participants File.

REASON:

This system is no longer required.

[FR Doc. 83-10538 Filed 4-19-83; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary**Public Information Collection
Requirement Submitted to OMB for
Review**

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submissions; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

1. New.
2. Questionnaire for Net Technical Assessment.
3. Science Applications, Inc., under a Department of Defense contract, has developed a questionnaire to assist in the gathering of data and information concerning some of the recent scientific and technical exchanges between the U.S. and USSR/East Europe.
4. Participating U.S. scientists/engineers.
5. 40 responses.
6. 40 hours.
7. Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202)697-1195.
8. A copy of the information proposal may be obtained from Dr. O. Lomacky, Room 3B1060, Pentagon, Washington, D.C. 20301, telephone (202) 694-4777.

M. S. Healy,

OSD Federal Register, Liaison Officer,
Department of Defense.

April 14, 1983.

[FR Doc. 83-10473 Filed 4-19-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

AGENCY: National Commission on
Excellence in Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule of a full meeting of the National Commission on Excellence in Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: April 26, 1983 (Time 2:00 p.m.-3:00 p.m.).

LOCATION: Ramada Renaissance Hotel, 1143 New Hampshire Avenue, N.W., Washington, D.C., New Hampshire Ballroom.

FOR FURTHER INFORMATION CONTACT:

Milton Goldberg, Executive Director, 1200 19th Street, N.W., Washington, D.C. 20208, (202) 254-7920 or Penny McDonald.

The National Commission on Excellence in Education is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees. The Commission is established to advise and make recommendations to the nation and to the Secretary of Education.

The meeting of the Commission is open to the public. The agenda will include:

- Completion of the Commission's work;
- Discussions of Plans for Dissemination and Follow-up of Commission's work.

The public is being given less than fifteen days notice because the work of the Commission has only recently progressed to the point at which this meeting is warranted.

Records are kept of all Commission proceedings and are available for public inspection at the office of the National Commission on Excellence in Education, 1200 19th Street, N.W., Room 222, from the hours of 8:00 a.m. to 5:00 p.m.

Dated: April 18, 1983.

Fred Decker,

Deputy Assistant Secretary for Educational
Research and Improvement.

[FR Doc. 83-10731 Filed 4-19-83; 12:13 pm]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Hideca Petroleum Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of an Amended Proposed Remedial Order which was issued to Hideca Petroleum Corp. (Hideca), One Riverway, Suite 2480, Houston, Texas 77056. This Amended Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 212.183, 210.62(c), and 205.202 during the period October 1978 through November 1979. The Amended Proposed Remedial Order also alleges violations in the pricing of crude oil of 10 CFR 212.183 during the period December 1979 through December 1980. The principal amount of the alleged violations for the period October 1978 through December 1980 is \$14,358,652.48.

A copy of the Amended Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of the Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas, on the 8th day of April, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-10405 Filed 4-19-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Magnetic Fusion Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Magnetic Fusion Advisory Committee.

Date and Time: Tuesday, May 3, 1983—9:00 a.m. to 5:00 p.m. Wednesday, May 4, 1983—9:00 a.m. to 5:00 p.m.

Place: Princeton Plasma-Physics Laboratory, Princeton University, M. A. Gottlieb Auditorium, Princeton, NJ 08540.

Contact: Lenore R. Ledman, Office of Fusion Energy, ER-50.2, U.S. Department of Energy, Mail Stop—G-226, Washington, DC 20545, Telephone: 301-353-3598.

Purpose of the Committee: To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans, priorities, and strategies to demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

Tentative Agenda: Briefings and discussions of:

- Review of Charges to MFAC Panels Reviewing MFTF-B Upgrade Options (Panel #4) and the Long-Range Role of Universities in the Fusion Program (Panel #5)—Davidson
- Interim Report by Panel #5—Gross.
- Panel #4 Findings and Recommendations—Forsen, Gilleland and Morgan.

- Discussion.
- Formulation of MFAC Findings and Recommendations.

- New Charge Areas—Davidson.
- Public comment (10 minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Lenore R. Ledman at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: Minutes of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 15, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-10461 Filed 4-19-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 6009-001]

Cascade Irrigation District; Surrender of Preliminary Permit

April 15, 1983.

Take notice that Cascade Irrigation District, Permittee for the proposed Strawberry Flats Power Project No.

6009, has requested that its preliminary permit be terminated. The permit was issued on July 26, 1982, and would have expired January 31, 1984. The project would have been located on the Yakima River in Kittitas County, Washington.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 6009 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-10525 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5909-001]

City of Ocean Shores, Washington; Surrender of Preliminary Permit

April 15, 1983.

Take notice that City of Ocean Shores, Washington, Permittee for the proposed East Fork Humpulips River Project No. 5909, has requested that its preliminary permit be terminated. The permit was issued on August 25, 1982, and would have expired on February 28, 1984. The project would have been located on East Fork Humpulips River, in Grays Harbor County, Washington.

The Permittee filed its request on March 1, 1983, and the surrender of the preliminary permit for Project No. 5909 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-10526 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5907-001]

City of Ocean Shores, Washington; Surrender of Preliminary Permit

April 15, 1983.

Take notice that City of Ocean Shores, Washington, Permittee for the proposed Donkey Creek Project No. 5907, has requested that its preliminary permit be terminated. The permit was issued on May 19, 1982, and would have expired on May 31, 1984. The project would have been located on the Donkey Creek in Grays Harbor County, Washington.

The Permittee filed its request on March 1, 1983, and the surrender of the preliminary permit for Project No. 5907

is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-10527 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6079-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

April 15, 1983.

Take notice that Energenics Systems, Inc., Permittee for the Deer Creek Project No. 6079 located on Deer Creek in Pickaway County, Ohio, has requested that its preliminary permit be terminated. The preliminary permit was issued on August 6, 1982, and would have expired on February 28, 1984. The Permittee states that Energenics has made engineering and other investigations and acquired data sufficient to determine that the proposed project is infeasible.

Energenics Systems, Inc.'s request was filed March 11, 1983. The surrender of the permit for Project No. 6079 is in the public interest and is accepted as of the date of issuance of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-10528 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6102-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

April 15, 1983.

Take notice that Energenics Systems, Inc. (ESI) Permittee for the Oologah Lake Dam Project No. 6102, located on the Verdigris River in Rogers and Nowata Counties, Oklahoma has requested that its preliminary permit be terminated. The preliminary permit was issued on September 2, 1982, and would have expired on February 28, 1984.

ESI states that the lack of adequate head and flow have rendered the project infeasible.

ESI's request was dated March 9, 1983. The surrender of the aforementioned permit is accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-10529 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5988-001]

Stephen E. and George S. Austin; Surrender of Preliminary Permit

April 15, 1983.

Take notice that Stephen E. and George S. Austin, Permittees for the Browns Mill Project No. 5988, located on the Paul Stream in Maidstone County, Vermont, have requested that their preliminary permit be terminated. The preliminary permit was issued on September 27, 1982, and would have expired August 31, 1984.

The Applicants request the surrender due to economic infeasibility.

The Applicants' request was dated March 25, 1983. The surrender of the permit is accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-10530 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5987-001]

Stephen E. and George S. Austin; Surrender of Preliminary Permit

April 15, 1983.

Take notice that Stephen E. and George S. Austin, Permittees for the Mile One Rapids Project No. 5987, located on the Paul Stream in Brunswick County, Vermont have requested that their permit be terminated. The preliminary permit was issued on September 27, 1982, and would have expired August 31, 1984.

The Applicants request the surrender due to economic infeasibility.

The Applicants' request was dated March 25, 1983. The surrender of the permit is accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-10531 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP77-62-018, RP80-97-013, RP81-54-002, RP82-10-003, RP82-12-004, RP81-80-000 (Phase I)]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., and Consolidated Gas Supply Corp., Oral Argument

Issued: April 15, 1983.

The captioned proceedings involve certain rate filing by Tennessee Gas Pipeline Company (Tennessee) and Consolidated Gas Supply Corporation (Consolidated) which were permitted to become effective subject to refund and are pending before the Commission for final decision. In both proceedings the

return to be allowed on invested capital is a contested issue. In *Tennessee* the parties agree on the capital structure but contest the return on equity while in *Consolidated* capital structure and return on debt and equity are at issue.

The parties in both proceedings have requested oral argument before the Commission on the rate of return issue. The Chairman has determined that oral argument limited to this issue, including the capital structure to be used in *Consolidated*, may be beneficial in its resolution of these cases.

Notice is hereby given that an oral argument will be heard in these proceedings in Hearing Room A of the Commission's offices at 825 North Capitol Street, NE., Washington, D.C., on Friday May 13, 1983, commencing at 9:00 a.m. Argument will be scheduled for approximately one and one-half hours.

By April 25, 1983, the parties desiring to participate shall submit a statement indicating the amount of time requested. Because of the number of parties involved and the time available for oral argument, parties with similar interests are urged to arrange common representation for purposes of the oral presentations. Final determination of the division of time and order of presentation will be set out in a subsequent notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-10532 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5238-001]

Vidler Tunnel Water Co., Surrender of Preliminary Permit

April 15, 1983.

Take notice that Vidler Tunnel Water Company, Permittee for the proposed Snake River Hydro Power Project No. 5238, has requested that its preliminary permit be terminated. The permit was issued on March 17, 1982, and would have expired on August 31, 1983. The project would have been located on the Snake River in Summit County, Colorado.

Vidler Tunnel Water Company has determined that the lack of flow at the site and the difficulty of construction and operation of this project make the economics very poor. It was concluded that this project would be economically unfeasible at this time.

The Permittee filed its request on March 17, 1983. The surrender of the preliminary permit for Project No. 5238

is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-10533-Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 96-003, et al.]

**Pacific Gas & Electric Co., et al.
Applications Filed With the
Commission**

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1. a. Type of Application: Revised Exhibit S.

b. Project No: 96-003.

c. Date Filed: December 13, 1982.

d. Applicant: Pacific Gas and Electric Company.

e. Name of Project: Kerckhoff.

f. Location: On San Joaquin River in Fresno and Madera Counties, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. W.M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, Room 1087A, San Francisco, California 94106.

i. Comment Date: June 2, 1983.

j. Description: PG&E filed a revised Exhibit S on December 13, 1982, pursuant to Article 44 of the license for the Kerckhoff Projects, FERC Project No. 96. The revised Exhibit S includes fish, and wildlife mitigation plans, agreements with the California Department of Fish and Game, costs of implementing the plans, and a listing of dates of consultation with the appropriate state and Federal agencies.

k. This notice also consists of the following standard paragraphs: B, C and D2.

2a. Type of Application: Amendment of License (Revised Exhibit).

b. Project No: 2157-012.

c. Date Filed: February 9, 1983.

d. Applicant: Public Utility District No. 1 of Snohomish County and the City of Everett, Washington.

e. Name of Project: Sultan River.

f. Location: On Sultan River in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. W.G. Hulbert, Jr., Manager, Public Utility District No. 1 of Snohomish County, P.O. Box 1107, Everett, Washington, 98206.

i. Comment Date: June 1, 1983.

j. Description: The revised Exhibit S was filed by the Licensee pursuant to Article 53 of the Commission Order

issued October 16, 1981, authorizing Stage II of the Sultan River Project, FERC No. 2157. The Exhibit S was prepared in consultation with the State and Federal fish and wildlife agencies and the Tulalip Tribes, and contains measures to mitigate the impacts of the Sultan River Project on aquatic and terrestrial resources. These measures include: changes in project design, erosion control and water quality control plans during construction, instream flow releases, fish stocking, long-term preservation and enhancement of terrestrial habitat, and additional studies to further refine specific mitigative measures. Many of the measures proposed to protect and enhance aquatic resources were contained in a settlement agreement approved by the Commission on February 3, 1983. The Licensee's proposed mitigation for terrestrial resources has not yet been agreed to by the resource agencies, and remains a point of contention.

k. This notice also consists of the following standard paragraphs: B, C and D2.

3a. Type of Application: Application for License (under 5 MW).

b. Project No: 3450-001.

c. Date Filed: February 22, 1983.

d. Applicant: Beaver Falls Municipal Authority.

e. Name of Project: Eastvale Water Power Project.

f. Location: Beaver River in Beaver County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Charles M. Andrews, Beaver Falls Municipal Authority, 1425 Eighth Avenue, P.O. Box 400, Beaver Falls, Pennsylvania 15010.

i. Comment Date: June 13, 1983.

j. Description of Project: The proposed project would be run-of-the-river and would consist of: (1) an existing dam, approximately 490 feet long and 12.4 feet high, constructed of rock-filled timber cribs and concrete with an overflow crest elevation at 730.7 feet m.s.l.; (2) a reservoir having minimal pondage; (3) an existing intake structure, at the left river bank, containing 7 gates preceded by a fish deflector; (4) an existing headrace channel, 75 feet long and 45 feet wide, leading to (5) separate gated channels integral with an old powerhouse to be equipped with 4 new turbine-generator units rated at 110 kW each for a total rated capacity of 440 kW; (6) a tailrace returning flow to Beaver River approximately 90 feet downstream of the dam; (7) a new transmission line, approximately 100 feet long; and (8) appurtenant facilities. The applicant estimates that the average

annual energy output would be 3,220,000 kWh. Project energy would be sold to the Duquesne Light Company. Project facilities are owned by the Applicant.

k. This notice also consists of the following standard paragraphs: A2, B, C and D.

4a. Type of Application: Application for License (5 MW or Less).

b. Project No: 3459-001.

c. Date Filed: February 28, 1983.

d. Applicant: Cascade Water Power Development Corporation.

e. Name of Project: Mason Dam Hydroelectric.

f. Location: On the Powder River in Baker County, Oregon at the U.S. Bureau of Reclamation's Mason Dam.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: George L. Smith, Vice President, National Hydro Corporation, P.O. Box 1016, Idaho Falls, Idaho 83402 with a copy to: Brian French, Manager of Engineering, National Hydro Corporation, 77 Franklin Street, Boston, MA 02110.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) a 48-inch-diameter, 100-foot-long penstock connected to the existing 56-inch-diameter outlet pipe 35 feet upstream of the existing valve house; (2) a powerhouse containing a single 2.6-MW generating unit capable of an average annual generation of 7,000 MWh; (3) a substation adjacent to the powerhouse; and (4) a 280-foot-long, 24.9-kV transmission line. Applicant estimates that construction of the project will cost \$2,280,000.

k. Purpose of Project: Project power would be sold.

l. This notice also consists of the following standard paragraphs: A2, B, C, and D1.

5a. Type of Application: Application for License (under 5 MW).

b. Project No: 3603-001.

c. Date Filed: February 25, 1983.

d. Applicant: The City of Aspen and Pitkin County, Colorado.

e. Name of Project: Ruedi.

f. Location: On the Fryingpan River in Pitkin and Eagle Counties, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Curtis Steward, County Manager, Pitkin County, 506 E. Main, Aspen, Colorado 81611 and Wayne Chapman, City Manager, City of Aspen, 130 South Galena, Aspen, Colorado 81611.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would utilize the U.S. Bureau of Reclamation's Ruedi Dam and would

consist of: (1) a 54-inch-diameter penstock about 130 feet long connected to the existing outlet structure; (2) a powerhouse with two turbine-generator units with a total installed capacity of 3,200 kW and provisions for future installation of a third unit; (3) a tailrace; (4) a transmission line; and (5) other appurtenances. Applicants estimate an average annual generation of 20,000,000 kWh. This application was filed during the term of Applicants' preliminary permit for Project No. 3603.

k. Purpose of Project: Project energy would be sold to the Public Service Company of Colorado or distributed to local customers.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

6 a. Type of Application: License (under 5 MW).

b. Project No.: P-4037-001.

c. Date Filed: January 31, 1983.

d. Applicant: Richard Charles Young and George Robert Young.

e. Name of Project: Montgomery Creek Project.

f. Location: On Montgomery Creek, near Taylorsville, in Plumas County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Richard C. Young, P.O. Box 32, Taylorsville, California 95983.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) a 20,000 gallon infiltration gallery diversion system on Montgomery Creek; (2) a 30-inch-diameter, 4,970-foot-long, steel penstock; (3) a powerhouse containing two generating units with a total installed capacity of 1,100 kW and an average annual generation of 4.0 GWh; (4) a concrete tailrace returning flows to Indian Creek; and (5) appurtenant facilities. Project power would be sold to Pacific Gas and Electric Company. The project would affect 12.0 acres of Plumas National Forest Lands.

k. This notice also consists of the following standard paragraphs: A2, B, C and D1.

7 a. Type of Application: Exemption (5MW).

b. Project No.: 4293-001.

c. Date Filed: March 17, 1983.

d. Applicant: Christopher M. Anthony.

e. Name of Project: Waverly Avenue.

f. Location: Sebasticook River, Town of Pittsfield, Somerset County, Maine.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, Pub. L. 96-294, 94 Stat. 611 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Christopher M. Anthony, 46 Somerset Avenue, Pittsfield, Maine 04967.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing 11-foot-high, 220-foot-long, concrete encased, timber crib dam; (2) an existing 40-foot-long gate section at the west dam abutment; (3) a 560 acre reservoir with a storage capacity of 560 acre-feet at elevation 213.0 feet M.S.L.; (4) an existing forebay/intake structure; (5) a new powerhouse located at the south forebay wall containing turbine-generators with a total rated capacity of 700 kW; (6) a 200-foot-long transmission line; and (7) appurtenant facilities. The project would generate up to 2,500,000 kWh annually. The dam is owned by the Town of Pittsfield.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

8 a. Type of Application: License (Minor).

b. Project No.: 4539-001.

c. Date Filed: February 28, 1983.

d. Applicant: Yakima-Tieton Irrigation District.

e. Name of Project: Clear Lake Hydroelectric.

f. Location: On North Fork Tieton River partially within the Wenatchee National Forest in Yakima County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Warren E. Dickman, Manager, Yakima-Tieton Irrigation District, Route 8, Box 193, Yakima, Washington 98908.

i. Comment Date: June 17, 1983.

j. Description of Project: The proposed project would entail tapping into the southern gravity abutment of the existing United States Bureau of Reclamation's Clear Lake Dam, with 78-inch-diameter steel penstock. The project would consist of: (1) a powerhouse at the foot of the dam, containing a single generating unit with a rated capacity of 1,230 kW; (2) a 900-foot-long, 7.2-kV transmission line; and (3) an existing 4,500-foot-long transmission line to be upgraded. The estimated 3.9 million kWh of annual project energy would be partially used by the Applicant with the remainder sold to a local utility or the Bonneville Power Administration.

k. This notice also consists of the following standard paragraphs: A2, B, C and D1.

9a. Type of Application: Exemption from Licensing.

b. Project No.: 4739-001.

c. Date Filed: February 28, 1983.

d. Applicant: Mac Hydro-Power Company, Inc.

e. Name of Project: East Fork Stuart Fork Creek Hydroelectric.

f. Location: On East Fork Stuart Fort Creek, within the Shasta-Trinity National Forest, near Weaverville, Trinity County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. H. L. "Pete" Childers, Mac Hydro-Power Company, Inc., 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high, 30-foot-long concrete diversion structure at elevation 3,850 feet; (2) a 4,000-foot-long, 30-inch-diameter low pressure conduit; (3) a 1,200-foot-long, 30-inch-diameter penstock; (4) a powerhouse containing one generating unit with an installed capacity of 910 MW; and (5) a 2.5-mile-long, 12.5kV transmission line from the powerhouse to an existing PG&E transmission line. The Applicant estimates the average annual energy production at 6.5 million kWh.

k. Purpose of Project: Project power would be sold to Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

10a. Type of Application: License Minor.

b. Project No.: 4948-002.

c. Date Filed: March 10, 1983.

d. Applicant: Energeology, Inc. and Lower Powder River Irrigation District.

e. Name of Project: Thief Valley Dam.

f. Location: At Thief Valley Dam and Reservoir, on Powder River in Union and Baker Counties, Oregon, under the jurisdiction of the Bureau of Reclamation.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: James L. Cannon, Energeology, Inc., 7525 W. Deschutes Place, Suite 2-D, Kennewick, Washington, 98336.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) an intake structure and a 170-foot-long, 54-inch-diameter steel penstock to be installed in the existing 73-foot-high concrete Thief Valley Dam owned by the Bureau of Reclamation; (2) a powerhouse containing 5 generating units, one rated at 112 kW and four rated at 150 kW each; (3) a tailrace; and (4) a 10.616-mile-long transmission line. The average

annual energy generation is estimated to be 2.9 million kWh at a head of 40 feet.

k. Purpose of Project: Energy will be sold to C.P. National, a local utility.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

11a. Type of Application: Exemption of Conduit Hydroelectric Facility.

b. Project No: 5163-000.

c. Date Filed: July 31, 1981.

d. Applicant: California Department of Water Resources.

e. Name of Project: Sutter-Butte Project.

f. Location: On the Sutter-Butte Canal in Butte County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act, 16 U.S.C. 823(a).

h. Contact Person: Mr. Ronald B. Robie, Director, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

i. Comment Date: June 1, 1983.

j. Competing Application: Project No. 4490-001. Date Filed: March 19, 1982.

k. Description of Project: The proposed project would consist of: (1) a transition structure connecting to the existing outlet structure; (2) two 102-inch-diameter penstocks; (3) a powerhouse containing two 1,200-kW generating units; and (4) a 1-mile-long transmission line. Applicant estimates the project would have an average annual energy production of 9,650 MWh.

l. Competing Applications: Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A notice of intent must conform with 18 CFR 4.33 (b) and (c) and 18 CFR 4.104(d).

m. Filing and Service of Responsive Documents: Any filings must bear in all capital letters the title "NOTICE OF INTENT TO FILE COMPETING APPLICATION" or "COMPETING APPLICATION" as applicable, and the Project Number of the particular application to which the filing is in response. Either of the above named documents must be filed by providing

the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent or competing application must also be served upon each representative of the Applicant specified in the particular application.

12a. Type of Application: Major License (Over 5 MW)—Existing Dam.

b. Project No: 5922-001.

c. Date Filed: July 29, 1982.

d. Applicant: Cordua Irrigation District.

e. Name of Project: DaGuerre Point Water Power Project.

f. Location: On Yuba River in Yuba County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Charles Mathews, Director, Cordua Irrigation District, Box 110, Marysville, California 95901.

i. Comment Date: June 17, 1983.

j. Description of Project: The proposed project would consist of: (1) a gated intake structure at the existing Corps of Engineers' 30-foot-high concrete DaGuerre Point Dam; (2) a 12-foot-diameter, 150-foot-long penstock; (3) a powerhouse containing two generating units with a total installed capacity of 6.48 MW and an estimated average annual energy production of 29.34 million kWh; and (4) appurtenant facilities. The project would be located on lands administered by the U.S. Corps of Engineers.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A2, B, C, D2.

13a. Type of Application: Exemption (5 MW or Less).

b. Project No: 6390-001.

c. Date Filed: December 8, 1982.

d. Applicant: Lawrence J. McMurtrey.

e. Name of Project: Sloan Creek.

f. Location: Sloan Creek within Snoqualmie-Mt. Baker National Forest in Snohomish County, Washington.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Lawrence J. McMurtrey, 12122—196th, N.E., Redmond, Washington 98052.

i. Comment Date: June 2, 1983.

j. Competing Application: Project No. 6531-000. Date Filed: July 16, 1982.

Notice Issued: October 19, 1982.

k. Description of Project: The proposed project would consist of: (1) two 2-foot-high diversion structures on Sloan Creek; (2) a 36-inch, and 18-inch-diameter, 12,000-foot and 4,000-foot-long penstock respectively; (3) a powerhouse containing a generating unit with a rated capacity of 3.62 MW; and (4) appurtenant facilities. The Applicant estimates a 19.04 GWh average annual energy production.

l. Purpose of Project: Power would be sold to local utilities.

m. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

14a. Type of Application: Major License (Under 5 MW).

b. Project No: 6515-001.

c. Date Filed: September 10, 1982, and revised on January 24, 1983.

d. Applicant: SNC Hydro Inc. and Adirondack Hydro Inc.

e. Name of Project: Boyd Dam.

f. Location: on East Branch Fish Creek, Town of Lewis, Lewis County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Christopher McGill, P.O. Box 145, Wilmington, New York 12997.

i. Comment Date: May 20, 1983.

j. Competing Application: Project No. 6484. Date Filed: 7/6/82.

k. Description of Project: The proposed project would utilize existing facilities owned, operated, and maintained by the City of Rome, New York, consisting of: (1) the 525-foot-long, 85-foot-high, Boyd Dam having a 440-foot-long concrete-gravity section with a 150-foot-long ogee-type spillway and an 85-foot-long earthfill section; (2) the separate 7-foot-high, 310-foot-long, earth dike located along the reservoir left (east) bank; (3) the Tagasoke Reservoir having a surface area of 210 acres and a storage capacity of 4,300 acre-feet at spillway crest elevation 1,280 feet M.S.L.; and (4) a gated intake structure and two 36-inch outlet conduits.

Applicant proposes to: (1) repair the dam; (2) modify the dike; (3) modify the intake structure; (4) install a 7-foot-diameter, 300-foot-long penstock; (5) construct a powerhouse on the right bank containing a generating unit having a rated capacity of 1,800 kW operated at a 65-foot net head and a flow of 412 cfs; (6) excavate a tailrace; (7) install a 120-foot-long buried 4.8-kV power cable; (8) install a 1,600-foot-long, 4.8-kV transmission line; (9) convert a 4.2-mile-long single-phase transmission line to a

three-phase 4.8-kV transmission line; and (10) construct a 1,800-foot-long access road.

Applicant estimates that the proposed project would cost \$4,000,000.

l. Purpose of Project: Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates that the average annual energy output would be 7.3 million kWh.

m. This notice also consists of the following standard paragraphs: A2, B, C and D1.

15 a. Type of Application: License (under 5 MW).

b. Project No: 6779-000.

c. Date Filed: October 19, 1982.

d. Applicant: Enviro Hydro, Incorporated.

e. Name of Project: Soda Creek Water Power.

f. Location: on Soda Creek near the town of Belden within the Plumas and Lassen National Forests in Plumas County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. H. L. "Pete" Childers, President, Enviro Hydro, Inc., 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) a 3-foot-high diversion structure with crest elevation of 4,400 feet (mean sea level); (2) a 10,000-foot-long, 36-inch-diameter low pressure pipe/penstock combination; (3) a powerhouse containing a single generating unit with a rated capacity of 1,700 kW; (4) a 3-mile-long, 12-kV transmission line to connect the powerhouse to an existing Pacific Gas and Electric Company's (PG&E) line near the Butte Valley Reservoir Road; and (5) appurtenant facilities.

k. Purpose of Project: The estimated 6 million kWh project energy would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

16 a. Type of Application: License (5 MW or Less).

b. Project No: 6781-000.

c. Date Filed: October 19, 1982.

d. Applicant: Enviro Hydro, Incorporated.

e. Name of Project: Grizzly Creek Water Power.

f. Location: on Grizzly Creek near the town of Belden within the Plumas and Lassen National Forests in Plumas County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. H. L. "Pete" Childers, President, Enviro Hydro, Inc.,

9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) a 3-foot-high concrete diversion structure with crest elevation of 5,360 feet (mean sea level); (2) a 20,000-foot-long, 36-inch-diameter low pressure pipe/penstock combination; (3) a powerhouse containing a single generating unit with a rated capacity of 3,500 kW; (4) a 3-mile-long, 12-kV transmission line connecting the powerhouse to an existing Pacific Gas and Electric Company's (PG&E) line southeast of the powerhouse; and (5) appurtenant facilities.

k. Purpose of Project: The estimated 11.9 million kWh project energy would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

17 a. Type of Application: License (5 MW or Less).

b. Project No: 6782-000.

c. Date Filed: October 20, 1982.

d. Applicant: Enviro Hydro, Incorporated.

e. Name of Project: Fall River Water Power.

f. Location: on Fall River near the town of Feather Falls within the Plumas National Forest in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. H. L. "Pete" Childers, President, Enviro Hydro, Inc., 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: June 23, 1983.

j. Description of Project: The proposed project would consist of: (1) a 3-foot-high concrete diversion structure with crest elevation of 3,000 feet (mean sea level); (2) a 5,300-foot-long, 48-inch-diameter low pressure pipe/penstock combination; (3) a powerhouse containing a single generating unit with a rated capacity of 4,900 kW; (4) a 4.5-mile-long, 12-kV transmission line connecting the powerhouse with an existing Pacific Gas and Electric Company's (PG&E) line near Feather Falls; and (5) appurtenant facilities.

k. Purpose of Project: The estimated 17.5 million kWh project energy would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

18a. Type of Application: Exemption Under 5 MW.

b. Project No.: 6791-000.

c. Date Filed: October 25, 1982.

d. Applicant: Stony Creek Hydro Company.

e. Name of Project: Stony Creek Project.

f. Location: On Stony Creek, near Paradise, in Butte County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. James E. Helmich, California Hydro Systems, Inc., 1330—21st Street, Suite 105, Sacramento, California 95814.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) a 32-inch-high, 30-foot-long, concrete diversion structure; (2) a 5,964-foot-long, 16-inch-diameter steel flume; (3) a 3,633-foot-long, 16-inch-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 1,350 W and producing an estimated annual generation of 8.8 GWh; (5) a 3-foot-wide, 30-foot-long concrete tailrace; and (6) appurtenant facilities. Project power would be sold to Pacific Gas and Electric Company. The project would affect Plumas National Forest lands.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

19a. Type of Application: Exemption Under 5 MW.

b. Project No.: 6793-000.

c. Date Filed: October 25, 1982.

d. Applicant: Stony Creek Hydro Company.

e. Name of Project: Dogwood Creek Project.

f. Location: On Dogwood Creek, near Paradise, in Butte County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. James E. Helmich, California Hydro Systems, Inc., 1330—21st Street, Suite 105, Sacramento, California 95814.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) a 4-foot-high, 40-foot-long, concrete diversion structure; (2) a 2,640-foot-long, 24-inch-diameter steel flume; (3) a 1,955-foot-long, 24-inch-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 2,025 kW and producing an estimated annual generation of 7.0 GWh; (5) a 3-foot-wide,

30-foot-long concrete tailrace; and (6) appurtenant facilities. Project power would be sold to Pacific Gas and Electric Company. The project would affect Plumas National Forest lands.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

20a. Type of Application: Small Conduit Exemption.

b. Project No.: 6812-000.

c. Date Filed: November 1, 1982.

d. Applicant: Sheep Creek Irrigation Company.

e. Name of Project: Upper Antelope.

f. Location: On Sheep Creek, Daggett County, Utah.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Mr. Albert H. Neff, Executive Secretary, Sheep Creek Irrigation Company, Manila, Utah 84046.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) a new canal headworks structure, approximately 15 feet high and 17 feet long; (2) a new trapezoidal canal section, 15,030 feet long and 12 feet wide at the bottom; (3) three new low head pipeline sections, totaling 3,080 feet long and 60 inches in diameter; (4) a new 1,480-foot-long, 48-inch diameter steel penstock; (5) a new 23 by 63-foot powerhouse containing three turbine/generator units with a total capacity of 1550 kW at an average head of 153 feet; (6) either a 0.5-mile long, 14.4-kV or a 1.0-mile long, 69-kV transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The average annual generation of 3.35 million kWh will be sold to the Bridger Valley Electric Association.

l. This notice also consists of the following standard paragraphs: A3, B, C and D3b.

21 a. Type of Application: Small Conduit Exemption.

b. Project No. 6813-000.

c. Date Filed: November 1, 1982.

d. Applicant: Sheep Creek Irrigation Company.

e. Name of Project: South Valley.

f. Location: On Sheep Creek, Daggett County, Utah.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Mr. Albert H. Neff, Executive Secretary, Sheep Creek Irrigation Company, Manila, Utah 84046.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) a new intake structure, measuring approximately 10 feet wide and 10 feet high; (2) a new earth-lined trapezoidal canal 1500 feet long and 8 feet wide at the bottom; (3) a steel or RPM penstock, 6,075 feet long and 48 inches in diameter; (4) a new powerhouse 23 by 64 feet in plan and housing three turbine-generator units with a total capacity of 1780 kW at an average head of 273 feet; (5) either a 0.5-mile, 14.41-kV or a slightly longer 69-kV transmission line; and (6) appurtenant facilities.

k. Purpose of Project: The average annual generation of 3.98 million kWh will be sold to the Bridger Valley Electric Association.

l. This notice also consists of the following standard paragraphs: A3, B, C and D3b.

22a. Type of Application: Small Conduit Exemption.

b. Project No. 6814-000.

c. Date Filed: November 1, 1982.

d. Applicant: Sheep Creek Irrigation Company.

e. Name of Project: Lower Antelope.

f. Location: on Sheep Creek, Daggett County, Utah.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Mr. Albert H. Neff, Executive Secretary, Sheep Creek Irrigation Company, Manila, Utah 84046.

i. Comment Date: May 27, 1983.

j. Competing Application: Project No. 5037-001. Date Filed: 1/19/82.

k. Description of Project: The proposed project would consist of: (1) a new intake structure measuring approximately 13 feet wide and 13 feet high; (2) a new earth-lined trapezoidal canal 1250 feet long and 13 feet wide at the bottom; (3) a steel or RPM penstock 1460 feet long and 48 inches in diameter; (4) a new reinforced concrete powerhosue, measuring 23 by 63 feet, containing three turbine/generator units with a total installed capacity of 1425 kW at an average head of 140 feet; (5) either a 0.5-mile, 14.41-kV or a slightly longer 69-kV transmission line; and (6) appurtenant facilities.

l. Purpose of Project: The average annual generation of 3.05 million kWh will be sold to the Bridger Valley Electric Association.

m. This notice also consists of the following standard paragraphs: A3, B, C and D3b.

23a. Type of Application: 5 MW or Less Exemption.

b. Project No. 6824-000.

c. Date Filed: November 3, 1982.

d. Applicant: Colenergy, Inc.

e. Name of Project: Silver Creek Hydroelectric.

f. Location: On Silver Creek, within Mt. Baker National Forest, near Greenwater, in Pierce County, Washington.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. Robert C. Cole, Colenergy, Inc., 1555 Union Avenue, N.W. No. 65, Renton, Washington 98056.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of: (1) a 9-foot-high, 10-foot-long concrete diversion structure at an elevation of 3,760 feet; (2) a 14,950-foot-long, 36-inch-diameter conduit; (3) A powerhouse containing two generating nits with a total rated capacity of 3,200 kW; and (4) a 500-foot-long, 12.5-kV trnsmission line connecting the powerhouse to an existing Puget Sound Power and Light Company transmission line. The applicant estimates the average annual energy production at 13.09 million kWh.

k. Purpose of Project: Project power would be sold to Puget Sound Power and Light Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

24a. Type of Application: 5 MW or Less Exemption.

b. Project No.: 6825-000.

c. Date Filed: November 3, 1982.

d. Applicant: Colenergy, Inc.

e. Name of Project: Goat Creek Hydroelectric.

f. Location: On Goat Creek, within Mt. Baker National Forest, near Greenwater, in Pierce County, Washington.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. Robert C. Cole, Colenergy, Inc., 1555 Union Avenue, N.E., No. 65, Renton, Washington 98056.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 10-foot-long concrete diversion structure at an elevation of 3,680 feet; (2) a 5,700-foot-long, 27-inch-diameter conduit; (3) a powerhouse containing one generating unit with a total rated capacity of 1,800 kW; and (4) a 600-foot-long, 12.5-kV transmission line connecting the powerhouse to an existing Puget Sound Power and Light Company transmission line. The Applicant estimates the average annual energy production at 8.88 million kWh.

k. Purpose of Project: Project power would be sold to Puget Sound Power and Light Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

25a. Type of Application: 5 MW Exemption.

b. Project No.: 6878-001.

c. Date Filed: January 27, 1983.

d. Applicant: Taft Hydro Power Co., Inc.

e. Name of Project: Adams Power Project.

f. Location: Sandy Creek, Jefferson County, New York.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (Act), 16 U.S.C. 2705 and 2708 as amended, and part I of the Federal Power Act.

h. Contact Person: Lawrence R. Taft, 10315 Caughdenoy Road, Central Square, New York 13036.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing concrete gravity dam, 9 feet high and 135 feet long; (2) a reservoir having a storage capacity of 16.75 acre-feet, a surface area of 3.7 acres, and a normal water surface elevation of 610 feet m.s.l.; (3) a new intake structure; (4) a new powerhouse with 4 generating units with a total capacity of 358 kW; (5) an existing tailrace; (6) a new 13.2-kV transmission line 400 feet long; and (7) appurtenant facilities. The existing dam is owned by the Applicant. The Applicant estimates the average annual energy production would be 1,200,000 kWh. All project power would be sold to the Niagara Mohawk Power Corporation.

k. Purpose of Project: All project power would be sold to the Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

26a. Type of Application: License (under 5 MW).

b. Project No.: 7021-000.

c. Date Filed: January 24, 1983, and revised on March 11, 1983.

d. Applicant: Auburn Hydro, Inc.

e. Name of Project: Shoe Form.

f. Location: On the Owasco Lake Outlet in the City of Auburn, Cayuga County, New York.

g. Filed Pursuant to: 16 U.S.C. 791(a)-825(r).

h. Contact Person: James J. Glass, P.O. Box 845, Auburn, New York 13021.

i. Comment Date: May 23, 1983.

j. Competing Application: Project No. 6784-000. Date Filed: October 20, 1982.

k. Description of Project: The proposed project would consist of the following existing facilities: (1) a 14-foot-high 80-foot-long stone and concrete dam and a 30-foot-long breached section at the left (west) bank; (2) an inoperative waste gate; (3) an intake structure and powerhouse at the right (east) bank; (4) a tailrace; and (5) appurtenant facilities.

Applicant proposes to redevelop the existing facilities and would: (1) repair the dam intake structure, and powerhouse; (2) construct a new 30-foot-long dam section; (3) replace the waste gate; (4) recreate a reservoir with a surface area of 1.5 acres and a gross storage capacity of 7.5 acre-feet at spillway crest elevation 596.5 feet m.s.l.; (5) install a new generating unit having a rated capacity of 450-kW under a 15-foot head and at a flow of 460 cfs; (6) install new electrical switchgear; and (7) construct a 300-foot-long 15-kV transmission line. Applicant estimates that the proposed project would cost \$1,593,000.

l. Purpose of Project: Project energy would be sold to New York State Electric and Gas Corporation. Applicant estimates that the average annual energy output would be 1,960,000 kWh.

m. This notice also consists of the following standard paragraphs: A2, B, C, and D1.

27a. Type of Application: Preliminary Permit.

b. Project No: 7032-000.

c. Date Filed: January 28, 1983.

d. Applicant: Richard R. Gresham.

e. Name of Project: Gresham Brothers Lake Creek #3.

f. Location: Shoshone County, Idaho; Lake Creek.

g. Filed pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Richard R. Gresham, P.O. Box 52, Kellogg, Idaho 83837.

i. Comment Date: June 13, 1983.

j. Description of Project: The proposed project would consist of: (1) a 2.9-foot-high diversion structure; (2) a 3,500-foot-long, 10-inch-diameter pipe; (3) a powerhouse with a total installed capacity of 185 kW; (4) a substation; and (5) an 1,100-foot-long underground cable connecting the substation with an existing 13-kV transmission line owned by Washington Water Power Company. The proposed project would affect United States lands within Coeur d'Alene National Forest. A preliminary permit does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. These studies are

estimated to cost \$13,000 and would not require construction of any new roads.

k. Purpose of Project: The estimated annual output of 1.1 million kWh would be sold to the Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, D2.

28a. Type of Application: Preliminary Permit.

b. Project No: 7056-000.

c. Date Filed: February 9, 1983.

d. Applicant: Walker River Irrigation District.

e. Name of Project: West Branch Walker River.

f. Location: On West Branch Walker River, within Toiyabe National Forest, near Bridgeport, in Mono County, California.

g. Filed pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Jim Weishaupt, Walker River Irrigation District, P.O. Box J, Yerington, Nevada 89447.

i. Comment Date: June 13, 1983.

j. Description of Project: The proposed project would contain three facilities known as the Upper, Middle and Lower Facility. The Upper Facility would consist of: (1) a 40-foot-high, 200-foot-long concrete diversion dam creating a reservoir with a storage capacity of 69 acre-feet; (2) a 5000-foot-long, 60-inch-diameter conduit; (3) a powerhouse containing 2 generating units with a total rated capacity of 6.48 MW and (4) a 7000-foot-long, 12-kV transmission line. The Middle facility would consist of: (1) a 40-foot-high, 300-foot-long concrete diversion dam creating a reservoir with a storage capacity of 1,660 acre-feet; (2) a 10,000-foot-long, 60-inch-diameter conduit; (3) a powerhouse containing a single generating unit with a rated capacity of 1.94 MW; and (4) a 0.5-mile-long, 12-kV transmission line. The Lower Facility would consist of: (1) a 80-foot-high, 250-foot-long concrete diversion dam; (2) a 26,000-foot-long, 72-inch-diameter conduit; (3) a powerhouse containing three generating units with a total rated capacity of 14.1 MW; and (4) a 100-foot-long, 12-kV transmission line. The Applicant estimates that the average annual energy production from the three facilities would be 167 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of

undertaking these studies would be \$200,000.

k. Purpose of Project: Project power would be utilized by the Applicant. Any surplus power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, and D2.

29a. Type of Application: Preliminary Permit.

b. Project No: 7060-000.

c. Date Filed: February 8, 1983.

d. Applicant: Greene County Electric Co., Inc.

e. Name of Project: Burgess Falls Dam Hydro Project.

f. Location: Cookville, Putnam County, Tennessee on the Falling Water River.

g. Filed pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Daniel E. Burgner, Rt. 10, Box 183A, Greenville, Tennessee 37743.

i. Comment Date: June 13, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing concrete dam approximately 369 feet long and 40 feet high; (2) an existing reservoir with a surface area of 25 acres and storage capacity of 250 acre-feet; (3) a proposed powerhouse with a total installed capacity of 450 kW; (4) new transmission lines; and (5) appurtenant facilities. Applicant estimates the average annual generation to be 1.3 GWh. All power generated would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A4a, A4c, A4d, B, C, and D2.

30a. Type of Application: Preliminary Permit.

b. Project No: 7061-000.

c. Date Filed: February 8, 1983.

d. Applicant: American Hydro Power Company.

e. Name of Project: Cowanesque.

f. Location: On the Cowanesque River near Lawrenceville in Lawrence and Nelson Townships, Tioga County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Peter A. McGrath, Two Aldwyn Center, Villanova, Pennsylvania 19085.

i. Comment Date: June 24, 1983.

j. Description of Project: The proposed project would utilize the existing Corps of Engineers Cowanesque Dam and would consist of: (1) a 950-foot long 12-foot wide, 14-foot high horseshoe-shaped outlet tunnel converted to use as a penstock; (2) a new powerhouse containing four generating units having a total rated capacity of 1,875 kW under an 80-foot head and at a flow of 250 cfs; (3) a tailrace; (4) a 2,000-foot long 34.5-

kV Transmission line; and (5) appurtenant facilities.

k. Purpose of Project: Project energy would be sold to Pennsylvania Electric Company/General Public Utilities Corp. Applicant estimates that the average annual generation would be 11,122,820 kWh.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform studies and, if feasible, would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be \$50,000.

31a. Type of Application: Preliminary Permit.

b. Project No: 7062-000.

c. Date Filed: February 8, 1983.

d. Applicant: Olympus Energy Corporation.

e. Name of Project: Pine Mountain Project.

f. Location: South Fork Soleduck River, near Fairholm, within Olympic National Forest, in Clallam County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Jerome E. Livingston, President, Olympus Energy Corporation, 201 215 St. SE., Bothell, Washington 98011.

i. Comment Date: June 13, 1983.

j. Description of project: The proposed project would consist of: (1) a 5-foot-high, 75-foot-long diversion structure on South Fork Soleduck River; (2) a 48-inch-diameter, 15,000-foot-long pipeline/penstock; (3) a powerhouse with a total installed capacity of 4.5 MW; and (4) a 35-kV, 7,500-foot-long transmission line. The Applicant estimates that the average annual energy production would be 28 million kWh and would be sold to the Bonneville Power Administration or to other service utilities.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 30-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of \$150,000.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

32a. Type of Application: Preliminary Permit.

b. Project No. 7082-000.

c. Date Filed: February 14, 1983.

d. Applicant: Fall Creek Associates

e. Name of Project: Fall Creek Hydroelectric Project.

f. Location: Fall Creek Reservoir, on Fall Creek, in Lane County near Eugene, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contract Person: Mr. Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: June 23, 1983.

j. Description of Project: the proposed project would consist of a powerhouse at the base of the existing Corps of Engineers' Fall Creek Reservoir dam. The powerhouse would have an installed capacity of 6 MW, generating about 29.5 million kWh under a head of 175 feet. An existing 2-mile-long transmission line would be upgraded to interconnect with the Pacific Power and Light Company's system or the Bonneville Power Administration's system. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project and to prepare and FERC license application. No new road would be required to conduct the studies.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

33a. Type of Application: Exemption (5 MW or Less).

b. Project No.: 7089-000.

c. Date Filed: February 18, 1983.

d. Applicant: Alfred Teufel Nursery.

e. Name of Project: Alfred Teufel Nursery.

f. Location: On Cedar Mill Creek, near Cedar Mill, in Washington County, Oregon.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408, 16 U.S.C. 2708 and 2708 as amended.

h. Contact Person: Thomas Teufel, Alfred Teufel Nursery, 12345 NW Barnes Road, Portland, Oregon 97229.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high, 45-foot-long concrete diversion dam; (2) a 30-inch-diameter, 45-foot-long steel penstock; (3) a powerhouse containing two generating units, each rated at 20 kW; and (4) a short transmission line. The average annual generation is estimated to be 87,000 kWh.

k. Purpose of Project: Power will be sold to Portland General Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

34a. Type of Application: License (over 5 MW).

b. Project No.: 7093-000.
 c. Date Filed: February 18, 1983.
 d. Applicant: Hydro Development Group, Inc. and the Shelton Canal Company.
 e. Name of Project: Derby-Shelton.
 f. Location: Housatonic River, in the towns of Derby, Shelton, Monroe, Oxford and Seymour, Fairfield and New Haven counties, Connecticut.
 g. Filed Pursuant to: 16 U.S.C. 791(a)—825(r).
 h. Contact Person: Mark E. Quallen, V.P., Hydro Development Group, Inc., Box 58, Dexter, New York 13634.
 i. Comment Date: May 23, 1983.
 j. Competing Application: Project No. 6066-001; Date Filed: May 21, 1982.
 k. Description of Project: The proposed project would consist of: (1) an existing 26-foot-high, 675-foot-long concrete capped, stone masonry, spillway dam with 1.4-foot-high flashboards; (2) an existing 382 acre reservoir with a usable storage capacity of 500 acre-feet at elevation 25.1 feet N.G.V.D.; (3) an existing gatehouse and the 2,135-foot-long, 40-foot-wide Derby Canal; (4) an existing 400-foot-long earth dike with a maximum height of 10 feet, located at the east dam abutment oriented in a northwest-southeast direction; (5) an existing gatehouse and 1,960-foot-long, 90-foot-wide section of the Shelton Canal; (6) an existing navigation lock located at the Shelton Canal; (7) a new powerhouse located at the head of the Derby Canal and adjacent to the east dam abutment containing two turbine-generators with a total rated capacity of 6.5 MW; (9) a tailrace channel; (10) a 500-foot-long, 13.8-kV transmission line. The existing Derby Canal would be modified for its first 180 feet to a 15-foot-wide, 10-foot-deep concrete lined section of which 80 feet would be underground. The project would produce up to 27,400,000 kWh annually. The existing project works are owned by the Shelton Canal Company.
 l. Purpose of Project: Energy produced at the project would be sold to Connecticut Light and Power Company.
 m. This notice also consists of the following standard paragraphs: A3, B, C and D2.
 35a. Type of Application: Preliminary Permit.
 b. Project No.: 7107-000.
 c. Date Filed: February 24, 1983.
 d. Applicant: F & T Services Corporation.
 e. Name of Project: Felsenthal Project.
 f. Location: On the Ouachita River in Union County, Arkansas.
 g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Ralph L. Laukhuff, Jr., P.O. Box 64844, Baton Rouge, Louisiana 70896.
 i. Comment Date: June 13, 1983.
 j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers existing Felsenthal Dam and Reservoir and would consist of: (1) a new power inlet channel, approximately 25 feet wide and 400 feet long; (2) a new generating station housing, either a five meter bulb turbine or two tube turbines with a total rated capacity of 5,000 to 8,000 kW; (3) a new tailrace channel approximately 300 feet in length; (4) a proposed transmission line approximately 1,200 feet long; and (5) appurtenant facilities. Applicant estimates that the average annual energy generation would be 18,000,000 kWh.
 k. Purpose of Project: The proposed market for the generated energy is the Arkansas Power & Light Company.
 l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.
 m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the Applicant would perform studies, investigations and tests, would prepare required plans, and specifications that are necessary to determine the feasibility of the project, and, if feasible would prepare an application for FERC License.
 36a. Type of Application: 5 Megawatt Exemption.
 b. Project No.: 7108-000.
 c. Date Filed: February 28, 1983.
 d. Applicant: Rockfish Corporation.
 e. Name of Project: Middle River Mill.
 f. Location: Middle River, Augusta County, Virginia.
 g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705, and 2708, as amended).
 h. Contact Person: Mr. John K. Pollock, General Manager, Rockfish Corporation, Rt. 1, Box 413, Afton, Virginia 22920.
 i. Comment Date: May 27, 1983.
 j. Description of Project: The proposed project would consist of: (1) an existing concrete gravity dam, 6 feet high and 200 feet long; (2) a small impoundment covering 4 acres and having a storage capacity of about 20 acre-feet; (3) two renewed 5 by 4-foot wooden head gates; (4) a refurbished mill race, 200 feet long, 6 feet deep and 15 feet wide; (5) a new small wooden shed to house the single 94 kW turbine/generator unit operating under a head of 8 feet; (6) an existing tailrace extending 200 feet before rejoining the river; (7) a new 7.2-kV

transmission line 75 feet long; and (8) appurtenant facilities.

k. Purpose of Project: The average annual generation of 520,000 kWh will be sold to the Virginia Electric Power Company.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

37a. Type of Application: Preliminary Permit.

b. Project No.: 7109-000.
 c. Date Filed: February 28, 1983.

d. Applicant: F & T Services Corporation.

e. Name of Project: Calion Project.
 f. Location: On the Ouachita River in Union County, Arkansas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Ralph L. Laukhuff, Jr., P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: June 22, 1983.
 j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers Calion Dam and Reservoir (now under construction and scheduled for completion in 1985) and would consist of: (1) a new power inlet channel, approximately 25 feet wide and 400 feet long; (2) a new generating station housing, either a five meter bulb turbine or two tub turbines with a total capacity of 3,000 to 5,000 kW; (3) a new tailrace channel approximately 300 feet in length; (4) a proposed transmission line approximately 1,200 feet long; and (5) appurtenant facilities. Applicant estimates that the average annual energy generation would be 8,000,000 kWh.

k. Purpose of Project: The proposed market for the generated energy is the Arkansas Power & Light Company.

l. This notice also consists of the following standard paragraphs: A4b, A4d, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the Applicant would perform studies, investigations and tests, and would prepare required plans and specifications that are necessary to determine the feasibility of the project, and, if feasible would prepare an application for FERC license.

38a. Type of Application: Preliminary Permit.

- b. Project No.: 7111-000.
- c. Date Filed: February 28, 1983.
- d. Applicant: Chris Williams.
- e. Name of Project: Wright Creek.
- f. Location: On Wright Creek in Grays Harbor County and the Olympic National Forest near the Town of Quinalt, Washington.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. Contact Person: Paul M. Williams, Williams and Marts, Attorneys at Law, 143-5th Avenue N., Edmonds, Washington 98020.

i. Comment Date: June 13, 1983.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 12-foot-long concrete and stone diversion structure on Wright Creek at elevation 775 feet; (2) a 3,000-foot-long, 12-inch-diameter steel penstock; (3) a powerhouse containing a single 200-kW generating unit; (4) a short tailrace discharging flows back into Wright Creek at elevation 380 feet; and (5) a 0.6-mile-long, 12.5-kV transmission line. Applicant estimates that the project would have an annual energy output of 876,000 kWh.

A preliminary permit, if issued, does not authorize any construction. During the term of the preliminary permit Applicant would conduct environmental, economic, and engineering feasibility studies and prepare an FERC license application. No new roads would be required to conduct the studies.

k. Purpose of Project: Project energy would be sold to Grays Harbor County Public Utility District.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

39 a. Type of Application: Preliminary Permit.

- b. Project No: 7119-000.
- c. Date Filed: March 3, 1983.
- d. Applicant: Rick K. Bennetts.
- e. Name of Project: Dale Creek Project.
- f. Location: On Dale Creek in Siskiyou County near the Town of Weed, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Rick K. Bennetts, 15A West Lake Street, Weed, California 96094.

i. Comment Date: June 17, 1983.

j. Description of Project: The proposed project would consist of: (1) a diversion structure on Dale Creek at elevation 3,900 feet; (2) a 4,000-foot-long, 24- to 36-inch-diameter steel penstock; (3) a powerhouse containing a generating unit with a total capacity of 200 to 400 kW;

and (4) a 3,400-foot-long transmission line. Applicant estimates that the project would have an annual generation of 1,700 MWh.

A preliminary permit, if issued, does not authorize construction of the project. Applicant has requested a preliminary permit with a term of 36 months during which period Applicant would study the economic, environmental, financial, and engineering feasibility of the project.

k. Purpose of Project: Project energy would be sold to the Pacific Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

40 a. Type of Application: Preliminary Permit.

- b. Project No: P-7121-000.
- c. Date Filed: March 3, 1983.
- d. Applicant: Mr. Lawrence Leland Johnson.
- e. Name of Project: Goodyear Bar, Rock Creek.
- f. Location: On Rock Creek in Sierra County, California, within the Tahoe National Forest near the town of Downieville.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Bart M. O'Keeffe, President, Mutual Energy Company, Inc., 1250 Pine Street, Suite 100, Walnut Creek, California 94596.

i. Comment Date: June 24, 1983.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 30-foot-long diversion-intake structure at elevation 3,960 feet; (2) a 27-inch-diameter, 2,800-foot-long pipeline; (3) a 22-inch-diameter, 3,600-foot-long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 1,700 kW, operating under a head of 1,220 feet; and (5) a 2-mile-long, 12-kV transmission line tying into an existing Pacific Gas and Electric Company line. The average annual energy output would be 4,470,000 kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new access roads will be required for the purpose of conducting these studies. Applicant estimates that the cost for conducting these studies ranges between \$75,000.00 and \$100,000.00.

k. Purpose of Project: Project power will be sold to one of California's private utility companies.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

41a. Type of Application: Preliminary Permit.

- b. Project No: 7135-000.

c. Date Filed: March 10, 1983.

d. Applicant: Mountain West Hydro, Inc.

e. Name of Project: Lemiti Hydroelectric.

f. Location: On Clackamas River, within Mt. Hood National Forest near Estacada, Marion County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. David L. Browning, Mountain West Hydro, Inc., 2155 Christina N.W., Salem, Oregon 97304.

i. Comment Date: June 17, 1983.

j. Description of Project: The project would consist of: (1) an 8-foot-high, 50-foot-long concrete diversion structure at an elevation of 3,680 feet; (2) a 7,260-foot-long, 34-inch-diameter pipeline; (3) a powerhouse containing one generating unit with an installed capacity of 1,230 kW; and (4) a 19,800-foot-long, 69-kV transmission line. The Applicant estimates that the average annual energy production would be 6.92 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for period of 36 months during which it would conduct technical, environmental and economic studies. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$83,000.

k. Purpose of Project: Project power would be sold to Portland General Electric Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

42a. Type of Application: Preliminary Permit.

- b. Project No: 7149-000.
- c. Date Filed: March 16, 1983.
- d. Applicant: Brazos River Authority.
- e. Name of Project: De Cordova Bend Project.

f. Location: On Brazos River, Hood County, Texas

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Carson H. Hoge, General Manager, Brazos River Authority, 4400 Cobbs Drive, P.O. Box 7555, Waco, Texas 76710.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) the existing De Cordova Bend Dam, an earthfill dam with a total length (including a 691-foot-long spillway) of 2,220 feet and a height of 84 feet; (2) Lake Granbury which at the normal maximum operating level of 693 feet m.s.l. has a total storage

capacity of 153, 485 acre-feet and covers 8,700 acres; (3) a new intake facility; (4) a new penstock; (5) a new reinforced concrete powerhouse containing turbine/generator units with a total rated capacity of 16,200 kW; (6) either a 1.0-mile-long, 138-kV or a 0.5-mile-long, 69 or 345-kV transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The average annual generation of 31 million kWh would be sold to either the Texas Power and Light Company or the Brazos Electric Power Cooperative, Inc.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. Proposed Scope of Studies under Permit: Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the costs of studies under the permit would be \$50,000.

43a. Type of Application: Preliminary Permit.

b. Project No: P-7164-000.

c. Date Filed: March 21, 1983.

d. Applicant: The Grisdale Hill Company.

e. Name of Project: Hidden Dam Hydro.

f. Location: On the Fresno River in Madera County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Ms. Joy Leong, Morrison, and Foster, 1920 N Street N.W., Washington, D.C. 20036.

j. Description of Project: The proposed project would consist of a powerhouse, containing a single generating unit with a rated capacity of 2,100 kW, located at the existing outlet of the U.S. Army Corps of Engineers' Hidden Dam and appurtenant facilities.

Applicant requested a 24-month preliminary permit to perform feasibility studies.

k. Purpose of Project: The estimated 6 million kWh of energy produced by the project would be sold to local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

44a. Type of Application: License (Over 5 MW).

b. Project No: 3109-001.

c. Date Filed: September 29, 1982.

d. Applicant: Eugene Water and Electric Board.

e. Name of Project: Blue River Dam.

f. Location: On Blue River, near Blue River, in Lane County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Keith Parks, General Manager, Eugene Water & Electric Board, 500 East 4th Avenue, P.O. Box 10148, Eugene Oregon 97440.

i. Comment Date: June 8, 1983.

j. Description of Project: The proposed project would consist of: (1) the modification of the intake structure and outlet tunnel of the existing 270-foot-high rockfill Blue River Dam, owned and operated by the U.S. Army Corps of Engineers; (2) a 600-foot-long, 10-foot-diameter steel penstock; (3) a powerhouse containing two generating units, each rated at 7,325 kW; (4) a tailrace; (5) an access road; and (6) a 1.5-mile-long transmission line. The average annual energy generation is estimated to be 34.5 million kWh utilizing only flows released from the dam for other beneficial uses.

k. Purpose of Project: The energy generated by the project will be used to serve Applicant's customers.

l. This notice also consists of the following standard paragraphs: A2, B, C, and D2.

45 a. Type of Application: Major License (5 MW or less).

b. Project No: P-3991-002.

c. Date Filed: December 28, 1982, and revised on February 22, 1983.

d. Applicant: Energenics Systems, Inc.

e. Name of Project: Cross Cut Diversion.

f. Location: On Henry's Fork of the Snake River near St. Anthony Fremont County, Idaho.

g. Filed Pursuant to: 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Granville J. Smith II, 1717 K Street, N.W., Suite 706, Washington, D.C. 20006.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed run-of-river project would utilize the existing Cross Cut Diversion Dam facilities constructed by the Bureau of Reclamation and operated by the Fremont Madison Irrigation District and would consist of: (1) a new 63-foot-long 91-foot wide forebay at the left (east) bank; (2) a new powerhouse containing two generating units having a total rated capacity of 1,754-kW operated at a 10.5-foot head and a flow of 2,300 cfs; (3) a new 15-foot-long tailrace; (4) a new 4.16/12.47-kV switchyard; (5) a new 0.6-mile-long 12.47-kV transmission line; and (6) appurtenant facilities.

Applicant would relocate the existing Cross Cut Canal intake structure.

Hydroelectric power production would be subordinate to the facility's primary purpose of irrigation water diversion. Applicant estimates that the proposed project would cost \$5,382,000. The application was filed during the term of the Applicant's preliminary permit for Project No. 3991.

k. Purpose of Project: Project energy would be sold to Utah Power & Light Company or to Idaho Power Company. Applicant estimates that the average annual energy output would be 10,851,000 kWh.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

46 a. Type of Application: License (Under 5 MW).

b. Project No: 4202-001.

c. Date filed: November 24, 1982.

d. Applicant: Pumpkin Hill Power Company.

e. Name of Project: Lowell Tannery Dam.

f. Location: Passadumkeag River, Town of Lowell, Penobscot County, Maine.

g. Filed Pursuant to: 16 U.S.C. 791(a)-825(r).

h. Contact Person: Robert G. Kelly, Manager, Pumpkin Hill Power Company, Pumpkin Hill Farm, RFD Box 147, Enfield, Maine 04433.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing 230-foot-long, 17.4-foot-high concrete gravity dam, including 30 and 80-foot-long spillway sections topped by 3-foot-high flashboards; (2) a 68.5-acre reservoir with a usable storage capacity of 100 acre-feet at elevation 187.5 feet M.S.L.; (3) an existing powerhouse located near the north abutment containing two new turbine-generators with a total rated capacity of 875 kW; (4) a fishway located adjacent to the powerhouse; (5) a tailrace channel; (6) an 8.5-mile long, 12-kV transmission line; and (7) appurtenant facilities. The project would generate up to 4,466,000 kWh annually. The project dam is owned by Lincoln Pulp and Paper Company.

k. Purpose of Project: Energy produced by the project would be sold to Bangor Hydro-Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

47 a. Type of Application: Preliminary Permit.

b. Project No: 7116-000.

c. Date Filed: March 1, 1983.

d. Applicant: China Flat Company.

e. Name of Project: Kirkham Creek Power Project.

f. Location: On Kirkham Creek in Humboldt County in the Six Rivers National Forest near the Town of Willow Creek, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Albert E. Hodgson, Chairman, China Flat Company, P.O. Box 269, Willow Creek, California 95573.

i. Comment Date: June 8, 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high, 40-foot-long natural rock and concrete diversion structure at elevation 1240 feet; (2) a 5,000-foot-long, 24-inch-diameter low pressure conduit; (3) a 1,700-foot-long, 20-inch-diameter steel penstock; (4) a powerhouse containing generating units with a total generating capacity of 500 kW; and (5) a 700-foot-long, 12.5-kV transmission line.

Applicant estimates that the project would have an annual energy output of 4.4 million kWh.

A preliminary permit, if issued, does not authorize any construction. Applicant has requested a 36-month preliminary permit during which period Applicant would conduct economic, environmental, and engineering feasibility studies and prepare an FERC license application. No new roads would be required to conduct the studies. Applicant estimates that the studies conducted during the term of the permit would cost between \$10,000 and \$15,000.

k. Purpose of Project: Project energy would be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

48 a. Type of Application: 5MW Exemption.

b. Project No.: 6643-001.

c. Date Filed: January 24, 1983.

d. Applicant: Lee R. & A. Leon Thayne.

e. Name of Project: Thayne Hydroelectric Project.

f. Location: The Green River in Emery and Grand Counties, Utah.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: George L. Smith, Monana Hydro, P.O. Box 1016, Idaho Falls, Idaho 83402.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed run-of-river would consist of: (1) an existing rock and timber crib diversion dam, approximately 840.0 feet long and 8.0 feet high; (2) an existing canal extending from the diversion dam to the pumping plant approximately 2500 feet long; (3) an existing upper slide gate structure with 8 wood leaf gates, each 8.0 feet long and 8.0 feet high; (4) an existing lower slide gate structure with 2

wood leaf gates, each 5.0 feet long and 5.0 feet high; (5) a proposed powerhouse, approximately 114.0 feet long and 63.0 feet wide, containing two generating units of 1800 kW each, giving a total installed capacity of 3600 kW; (6) proposed 12.5-kV transmission lines, approximately 6.0 miles long; and (7) appurtenant facilities. Project power would be sold to the Utah Power and Light Company. The Applicant estimates that the average annual energy output would be 22,490 MWh. Parcels of land within the project boundaries are owned by the Applicant, Lee R. & A. Leon Thayne, the Green River Canal Company, the U.S. Bureau of Land Management, and the State of Utah.

k. This notice also consists of the following standard paragraphs: D3a, A1, B and C.

l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, the protects the Exemptee from permit or license applicants that would seek to take or develop the project.

49a. Type of Application: License (5 MW or Less).

b. Project No.: 6712-000.

c. Date Filed: September 23, 1982.

d. Applicant: Gold Run Hydro Associates.

e. Name of Project: Gold Run Pipe Power.

f. Location: On Lower Boardman Canal in Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Eddy Balocco, 2855 Mitchell Drive, Suite 140 Walnut Creek, California 94598.

i. Comment Date: May 25, 1983.

j. Competing Application: Project No. 6040. Date Filed: February 26, 1982.

Notice Issued: March 26, 1982.

k. Description of Project: The proposed project would consist of: (1) a 20-foot-long, 30-inch-diameter bifurcation section connected to an existing unpressurized 30-inch-diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-generating unit with a rated capacity of 120 kW; (3) a 100-foot-long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 20-foot-long tailrace feeding into a new canal section with a header into Gold Run pipeline. The Applicant estimates a 737,840 kWh annual energy production.

l. Purpose of Project: Power will be sold to local utilities.

m. This notice also consists of the following standard paragraphs: A2, B, C, and D1.

50a. Type of Application: Preliminary Permit.

b. Project No.: 7026-000.

c. Date Filed: January 31, 1983.

d. Applicant: Richard R. Gresham.

e. Name of Project: Gresham Brothers Canyon Creek #2.

f. Location: Shoshone County, Idaho, Canyon Creek.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. Sections 791(a)-825(r).

h. Contact Person: Richard R. Gresham, P.O. Box 52, Kellogg, Idaho 83837.

i. Comment Date: June 15, 1983.

j. Description of Project: The proposed project would consist of: (1) a 2.9-foot-high diversion structure; (2) a 4,100-foot-long, 16-inch-diameter pipe; (3) a powerhouse with a total installed capacity of 300 kW; (4) a substation; (5) a 300-foot-long underground cable connecting the substation with an existing 48-kV transmission line owned by Washington Water Power Company. The proposed project would affect United States lands within Coeur D'Alene National Forest. A preliminary permit does not authorize construction. The applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. These studies are estimated to cost \$13,000 and would not require construction of any new roads.

k. Purpose of Project: The estimated annual output of 1.1 million kWh would be sold to the Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, and D2.

51a. Type of Application: License (5 MW or Less).

b. Project No.: 6716-000.

c. Date Filed: September 23, 1982.

d. Applicant: Gold Run Hydro Associates.

e. Name of Project: Hayford Pipe Power.

f. Location: On Lower Boardman Canal in Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Eddy Balocco, 2855 Mitchell Drive, Suite 140, Walnut Creek, California 94598.

i. Comment Date: May 25, 1983.

j. Competing Application: Project No. 6049. Date Filed: February 26, 1982.

Notice Issued: March 26, 1982.

k. Description of Project: The proposed project would consist of: (1) a 20-foot-long, 30-inch-diameter bifurcation section connected to an existing unpressurized 30-inch-diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-

generating unit with a rated capacity of 130 kW; (3) a 100-foot-long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 20-foot long tailrace feeding into Lower Boardman Canal. The Applicant estimates a 797,160 kWh annual energy production.

l. Purpose of Project: Power will be sold to local utilities.

m. This notice also consists of the following standard paragraphs: A2, B, C, D1.

52a. Type of Application: License (5 MW or Less).

b. Project No.: 6714-000.

c. Date Filed: September 23, 1982.

d. Applicant: Gold Run Hydro Associates.

e. Name of Project: Cape Horn Chute Pipe Power.

f. Location: On Lower Boardman Canal in Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Eddy Balocco, 2855 Mitchell Drive, Suite 140, Walnut Creek California 94598.

i. Comment Date: May 25, 1983.

j. Competing Application: Project No. 6046. Date Filed: February 26, 1982. Notice Issued: March 24, 1982.

k. Description of Project: The proposed project would consist of: (1) a 20-foot-long, 30-inch-diameter bifurcation section connected to an existing unpressurized 30-inch-diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-generating units with a rated capacity of 136 kW; (3) a 100-foot-long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 20-foot long tailrace feeding into Lower Boardman Canal. The Applicant estimates a 833,950 kWh annual energy production.

l. Purpose of Project: Power will be sold to local utilities.

m. This notice also consists of the following standard paragraphs: A2, B, C, D1.

53a. Type of Application: Exemption of a 5MW or less Hydroelectric facility.

b. Project No.: 7077-000.

c. Date Filed: February 14, 1983.

d. Applicant: Frontier Land and Power.

e. Name of Project: Genesee Power.

f. Location: On Little Grizzly Creek in Plumas County, California within Plumas National Forest, near the town of Genesee.

g. Filed Pursuant to: Energy Security Act 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Bruce McDowell, Vice-President, Frontier

Land and Power, P.O. Box 131, Taylorsville, California 95983.

i. Comment Date: May 25, 1983.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 12-foot-long diversion structure at elevation 4,180 feet; (2) a 42-inch-diameter, 7,000-foot-long partially buried penstock; (3) a powerhouse containing four generating units with a combined rated capacity of 2,000 kW, operating under a head of 380 feet; (4) a tailrace; and (5) a transmission line to tie into an existing Pacific Gas and Electric Company line. The average annual energy output would be 5,935 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: Project power will be sold to Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

54a. Type of Application: Exemption for a Small Conduit Hydroelectric Facility.

b. Project No.: 7058-000.

c. Date Filed: February 7, 1983.

d. Applicant: Wolf Creek Highway Water District.

e. Name of Project: Wolf Creek Power Generation Project.

f. Location: On a water conduit from the City of Portland, near Beaverton, in Washington County, Oregon.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: Mr. Gene A. Seibel, Administrator, Wolf Creek Highway Water District, 1850 S.W., 170th Avenue, Beaverton, Oregon 97006.

i. Comment Date: May 12, 1983.

j. Description of Project: The proposed project, to be located on the existing 54-inch-diameter water conduit conveying potable water from the City of Portland to the Applicant, would consist of a powerhouse to contain one 120-kW generating unit operating under a head of 67 feet and producing about 545,000 kWh annually; and appurtenant facilities.

k. This notice also consists of the following standard paragraphs: D3b, B and C.

55a. Type of Application: Preliminary Permit.

b. Project No.: 7041-000.

c. Date Filed: February 1, 1983.

d. Applicant: Potter Township, Pennsylvania.

e. Name of Project: Emsworth Hydroelectric Project.

f. Location: On the Ohio River in Allegheny County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Dennis M. DiMartini, Esq., Gee Bee Plaza, Monaca, Pennsylvania 15061.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers Emsworth Dam and Reservoir and would consist of: (1) an approach channel leading from the upper pool above the existing dam to the powerhouse; (2) a proposed powerhouse containing two horizontal shaft bulb-type turbine-generators, each rated at 10,000 kW, giving a total installed capacity of 20,000 kW; (3) an outlet channel leading from the powerhouse to the lower pool; (4) a proposed 138,000-volt transmission line; and (5) appurtenant facilities. Applicant estimates that the average annual energy output would be 122,000,000 kWh.

k. Purpose of Project: The most likely market for the energy produced at the proposed project would be Duquesne Light Company and adjacent public utility companies.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time the Applicant would perform studies to determine the feasibility of the project and, if feasible, prepare an application for FERC license. Applicant estimates the cost of these studies would be \$150,000.

56a. Type of Application: License (Over 5 MW).

b. Project No.: 5841-001.

c. Date Filed: September 21, 1982.

d. Applicant: County of Sierra.

e. Name of Project: North Yuba River Water Power project.

f. Location: On North Yuba River, within Sierra National Forest, near Downieville, in Sierra County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Frank B. Clendenen, Sierra Hydro, Inc., 12405 Locksley Lane, Auburn, California 95603.

i. Comment Date: June 3, 1983.

j. Description of Project: The proposed project would consist of: (1) a 6-foot-high, 80-foot-long concrete diversion

structure; (2) a 3,200-foot-long, 58-inch-diameter low pressure conduit; (3) a 7,300-foot-long, 54-inch-diameter steel penstock; (4) a powerhouse containing one generating unit with an installed capacity of 7,500 kW; (5) a 45-foot-long tailrace conduit; (6) a 1.3-mile-long, 12-kV underground transmission line connecting the powerhouse to a proposed Southern Pacific Land Company 60-kV transmission line and (7) appurtenant facilities. The Applicant estimates that the average annual energy production would be 16 million kWh.

k. Purpose of Project: The project power will be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, and C.

57a. Type of Application: License (5 MW or Less).

b. Project No: P-4450-002.

c. Date Filed: January 13, 1983.

d. Applicant: North Valley Land Corporation.

e. Name of Project: Hatchet Creek.

f. Location: Shasta County, California; on Hatchet Creek near Town of Montgomery Creek.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: C. Donald Nelson, North Valley Land Corporation, 50 Wilshire Drive, Redding, California 96002 with a copy to Ronald F. Ott, Ott Water Engineers, 2334 Washington Ave., Redding, California 96002.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of: (1) a 65-foot-long, 8-foot-high grouted rock diversion structure on Hatchet Creek at elevation 2,268 feet; (2) a screened intake structure; (3) a 9,000-foot-long, 51-inch-diameter low pressure buried pipeline; (4) a 2,500-foot-long, 48-inch-diameter elevated steel penstock; (5) a powerhouse containing two generating units, rated at 3.3 MW and 1.7 MW respectively, discharging into Roaring Creek near its confluence with the Pit River; (6) a switchyard adjacent to the powerhouse; (7) a 1.4-mile-long, 12.3-kV transmission line; and (8) 7,800 feet of gravel surfaced access roads from Cove Road to the diversion structure and the powerhouse. Applicant estimates that the average annual generation of the project would be 19,000 MWh.

k. Purpose of Project: Project power would be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

58a. Type of Application: Preliminary Permit.

b. Project No: 7036-000.

c. Date Filed: 1/31/83.

d. Applicant: Great Northern Hydro Company.

e. Name of Project: Stillaguamish Tributaries Hydropower.

f. Location: Stillaguamish River Tributaries (Rotary, Hawthorn, Triple, Heather, Twentytwo, Hemple, Black and Bear Creeks) in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Ed Grant, President, Great Northern Hydro Company, 210 10th Street, Gold Bar, Washington 98251.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of seven sites. Site 1 on Rotary Creek would consist of: (1) a diversion structure with a maximum height of 4 feet; (2) a 24-inch-diameter, 9,000-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 1,600 kW. Site 2 on Hawthorn Creek would consist of: (1) a diversion structure with a maximum height of 4 feet; (2) a 24-inch-diameter, 9,500-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 1,575 kW. Site 3 on Triple Creek would consist of: (1) a diversion structure with a maximum height of 2 feet; (2) a 12-inch-diameter, 9,500-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 840 kW. Site 4 on Heather Creek would consist of: (1) a diversion structure with a maximum height of 56 inches; (2) a 28-inch-diameter, 9,500-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 2,050 kW. Site 5 on Twentytwo Creek would consist of: (1) a diversion structure with a maximum height of 56 inches; (2) a 28-inch-diameter, 7,500-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 1,810 kW. Site 6 on Hemple Creek would consist of: (1) a diversion structure with a maximum height of 4 feet; (2) a 24-inch-diameter, 9,000-foot-long penstock; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 2,340 kW. Site 7 on Black and Bear Creeks would consist of: (1) two diversion structures with a maximum height of 4 feet, and 6 feet, respectively; (2) a 24 and 36-inch-diameter, 6,000 and 6,500-foot-long penstock, respectively; and (3) a powerhouse containing a generating unit with a maximum rated capacity of 3,580 kW. The Applicant estimates a maximum combined total of 62.60-GWh

of average annual energy production from the project. The Applicant has requested a 36-month permit in which to do feasibility studies and prepare a license application at a cost of \$100,000.00.

k. Purpose of Project: Power would be sold to local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, & D2.

59a. Type of Application: License (Over 5 MW).

b. Project No.: 7022-000.

c. Date Filed: January 25, 1983.

d. Applicant: Malta Irrigation District, et al.

e. Name of Project: Tiber Dam Power Project.

f. Location: On the Marias River in Liberty County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Sever Enkerud, Tampico Route, Glasgow, Montana 59230.

i. Comment Date: May 13, 1983.

j. Competing Application: Project No. 6432-001 Dated Filed: July 13, 1982.

k. Description of Project: The proposed project would utilize the existing U.S. Bureau of Reclamation Tiber Dam and consist of: (1) an existing 1,600-foot-long, auxiliary outlet works; (2) a proposed powerhouse containing an installed generating capacity of 12 MW; (3) a proposed 7-mile-long, 115kV transmission line; and (4) appurtenant facilities. The project would utilize approximately 12 acres of U.S. Government land. The Applicant estimates that the average annual energy generation will be 75,020 MWh.

l. The notice also consists of the following standard paragraphs A3, B, C, and D1.

60a. Type of Application: Preliminary Permit.

b. Project No.: 6967-000.

c. Date Filed: December 27, 1982.

d. Applicant: California Hydroelectric.

e. Name of Project: Fall Creek Project.

f. Location: On Fall Creek in Nevada County, California within the Tahoe National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. James R. Doolittle, 18611 Pebble Place, Nevada City, California 95959.

i. Comment Date: June 3, 1983.

j. Description of Project: The proposed project would consist of: (1) a 6-foot-high, 23-foot-long diversion structure; (2) a 36-inch-diameter, 5,287-foot-long buried pipeline; (3) a 24-inch-diameter, 3,300-foot-long penstock; (4) a powerhouse to contain a single

generating unit with a rated capacity of 4,900 kW, operating under a head of 2,000 feet; and (5) a 1-mile-long, 69-kV transmission line to tie into the existing Pacific Gas and Electric transmission line. The average annual energy output is 11 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to study the feasibility of constructing and operating the project. The estimated cost for conducting these studies is \$40,000. No new access roads will be required for the purpose of conducting these studies.

k. Purpose of Project: Project power will be sold to Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

61a. Type of Application: Exemption of a 5 MW or Less Hydroelectric Facility.

b. Project No.: 7057-000.

c. Date Filed: February 7, 1983.

d. Applicant: Mega Hydro, Inc.

e. Name of Project: Clover Leaf Ranch.

f. Location: On Clover Creek in Shasta County, California near the town of Oak Run.

g. Filed Pursuant to: Energy Security Act 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Richard L. Bean, 2576 Hartnell Ave., Redding, California 96002.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing 4-foot-high, 28-foot-long diversion structure owned by the applicant (to be rebuilt) at elevation 2,594 feet; (2) an existing 1,994-foot-long ditch owned by the applicant; (3) an intake structure; (4) a 24-inch-diameter, 738-foot-long penstock; (5) a powerhouse containing two generating units with a combined capacity of 200 kW, operating under a head of 127 feet; and (6) a 1,764-foot-long, transmission line tying into an existing Pacific Gas and Electric Company line. The average annual energy output would be 881,800 kWh.

Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: Project power will be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

62a. Type of Application: Preliminary Permit.

b. Project No: 7081-000.

c. Date Filed: February 14, 1983.

d. Applicant: County of Mono, California.

e. Name of Project: Leavitt Meadows Hydroelectric.

f. Location: On the West Walker River, within the Toiyabe National Forest in Mono County, California.

g. Filed Pursuant to: Federal Power Act, (16 U.S.C. 791(a)-825(r)).

h. Contact Person: Dr. Roy McDonald, Project Manager, County Courthouse, Bridgeport, California 93517.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed project would consist of: (1) a 96-foot-high, 1,150-foot-long concrete gravity or rock fill dam; (2) a reservoir with 28,000 acre-feet storage at normal pool elevation 7,211 feet; (3) a 5,500-foot-long pipeline; (4) a 60-inch-diameter, 650-foot-long penstock; (5) a powerhouse at approximate elevation 6,700 feet containing one or more generating units with a total capacity of 6.2 MW and an average annual output of 37 GWh; and (6) an approximately 3-mile-long transmission line.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 36-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Those studies would include core borings and test pits at the dam site, penstock route and powerhouse site. The Applicant has stated that new access roads are not necessary and that all disturbed lands would be restored. The estimated cost of the above activities is \$200,000.

k. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, and D2.

63a. Type of Application: Preliminary Permit.

b. Project No: 7087-000.

c. Date Filed: February 1, 1983.

d. Applicant: Southern Hydro Systems.

e. Name of Project: Startex Hydro Project.

f. Location: Startex, Spartanburg County, South Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: George Cooper, Route 1, Box 303, Piedmont, South Carolina 29673.

i. Comment Date: June 2, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing concrete dam approximately 54-foot high and 183-foot long; (2) a reservoir with an estimated storage capacity of 7 acres; (3) a steel penstock; (4) a powerhouse with a total installed capacity of 250 kW; (5) new transmission lines; and (6) appurtenant facilities. The Applicant estimates the average annual generation to be 1.0 GWh. All power generated would be sold to Duke Power Company.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33 (a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30-days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR §§ 385.210, 385.211, 385.214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or

motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must

also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's

comments must also be sent to the Applicant's representatives.

Dated: April 15, 1983.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-10523 Filed 4-19-83; 8:45 am]

BILLING CODE 6717-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective May 1, 1983. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT:

Leroy Brown, Jr. Energy Information Administration, 1000 Independence Avenue SW., Room BE-034, Washington, D.C. 20585, Telephone: (202) 252-6077.

Section I.

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine

the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama	3.48
Arizona ¹	3.52
Arkansas ¹	3.43
California	3.46
Colorado ²	3.51
Connecticut	3.82
Delaware ¹	3.69
Florida	3.36
Georgia ¹	3.60
Idaho ²	3.51
Illinois ¹	3.41
Indiana	3.37
Iowa ¹	3.73
Kansas ¹	3.73
Kentucky ¹	3.41
Louisiana	3.41
Maine	3.86
Maryland ¹	3.69
Massachusetts	3.80
Michigan	3.40
Minnesota	3.55
Mississippi ¹	3.60
Missouri ¹	3.73
Montana ²	3.63
Nebraska ¹	3.73
Nevada ²	3.52
New Hampshire ¹	3.87
New Jersey	3.60
New Mexico	3.04
New York	3.67
North Carolina ¹	3.60
North Dakota ¹	3.73
Ohio	3.28
Oklahoma ¹	3.43
Oregon ¹	3.52
Pennsylvania ¹	3.69
Rhode Island ¹	3.87
South Carolina ¹	3.60
South Dakota ¹	3.73
Tennessee ¹	3.60
Texas ¹	3.43
Utah ²	3.51
Vermont ¹	3.87
Virginia ¹	3.60
Washington ¹	3.52
West Virginia ¹	3.41
Wisconsin ¹	3.41
Wyoming ²	3.51

¹ Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM-79-21.

² Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during February 1983 was \$33.68 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective May 1, 1983, is \$7.55 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for

determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of December 1982, January 1983, and February 1983.¹ All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price. The prices which will become effective May 1, 1983, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, December 1982, January 1983, and February 1983. Reported prices for sales in December 1982 were adjusted by the percent change in the nationwide volume-weighted average price from December 1982 to February 1983. Prices for January 1983 were similarly adjusted by the percent change in the nationwide volume-weighted average price from January 1983 to February 1983. The volume-weighted 3-month average of the adjusted December 1982 and January 1983, and the reported February 1983 prices were then computed for each State.

(2) Adjustment for Price Variation. States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section 11. B. (1) above) for each state was adjusted

¹ Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B (1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III. (2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of December, January 1983, and February 1983. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially

compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national lag adjustment factor was obtained by calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending April 14, 1983, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of February 1983. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The low of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B. (3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region C
Alabama
Florida
Georgia
Mississippi
North Carolina
South Carolina
Tennessee
Virginia

Region B
Delaware
Maryland
New Jersey
New York
Pennsylvania

Region D
Illinois
Indiana
Kentucky
Michigan
Ohio
West Virginia
Wisconsin

Region E
Iowa
Kansas
Missouri
Minnesota
Nebraska
North Dakota
South Dakota

Region G
Colorado
Idaho
Montana
Utah
Wyoming

Region F
Arkansas
Louisiana
New Mexico
Oklahoma
Texas

Region H
Arizona
California
Nevada
Oregon
Washington

Issued in Washington, D.C., April 19, 1983.

Albert H. Linden, Jr.,
Deputy Administrator, Energy Information
Administration.

[FR Doc. 83-10707 Filed 4-19-83; 10:20 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of March 25 Through April 1, 1983

During the Week of March 25 through April 1, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: April 14, 1983.

George B. Breznay,
Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

(Week of March 25 through April 1, 1983)

Date	Name and location of applicant	Case No.	Type of Submission
Mar. 28, 1983	Cape Cod Hospital, Hyannis, Massachusetts	HEE-0084	Exception to the Energy Conservation Program. If granted: The Cape Cod Hospital would receive an exception from the provisions of 10 CFR Part 455, the Institutional Conservation Grant Program, regarding its application for an energy conservation grant.
Mar. 28, 1983	Economic Regulatory Administration/Don's Shell, San Francisco, California	HRW-0015	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Don's Shell on March 31, 1981, would be issued as a final Remedial Order.
Mar. 28, 1983	Economic Regulatory Administration/Gorman Mobil, San Francisco, California	HRW-0010	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Gorman Mobil on January 17, 1981, would be issued as a final Remedial Order.
Mar. 28, 1983	Economic Regulatory Administration/Joe's Service Station—Mobil, San Francisco, California	HRW-0012	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Joe's Service Station—Mobil on March 26, 1981, would be issued as a final Remedial Order.
Mar. 28, 1983	Economic Regulatory Administration/Mac Brown Shell Service, San Francisco, California	HRW-0014	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Mac Brown Shell Service on May 29, 1981, would be issued as a final Remedial Order.
Mar. 28, 1983	Economic Regulatory Administration/Perkins Chevron Service, San Francisco, California	HRW-0013	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Perkins Chevron Service on May 29, 1981, would be issued as a final Remedial Order.
Mar. 28, 1983	Economic Regulatory Administration/Ray's Auto Service Center, San Francisco, California	HRW-0016	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to Ray's Auto Service Center on March 31, 1981, would be issued as a final Remedial Order.
Mar. 28, 1983	Economic Regulatory Administration/William Blue, d.b.a. ARCO Service, San Francisco, California	HRW-0011	Remedial Order, Finalization. If granted: A Proposed Remedial Order issued to William Blue d.b.a. ARCO Service on March 26, 1981, would be issued as a final Remedial Order.
Mar. 28, 1983	Tommy Oil Company, Washington, D.C.	HRH-0120, HRD-0120	Motions for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Tommy Oil Company in response to a Proposed Remedial Order issued to the firm (Case No. HRO-0120).
Mar. 29, 1983	Sigmund Diamond, New York, New York	HFA-0132	Appeal of an Information Request Denial. If granted: The March 14, 1983, Freedom of Information Request Denial issued by the Pennsylvania Section of the DOE Records Management Division would be rescinded and Sigmund Diamond would receive access to certain DOE information.
Mar. 31, 1983	Office of Special Counsel, Washington, D.C.	HRZ-0141	Interlocutory Order. If granted: Texaco Inc. would be required to file a Statement of Legal Objections to the May 1, 1979, Proposed Remedial Order issued to the firm (Case No. DRO-0199).
Mar. 31, 1983	W.R. Thomason, Inc., Martinez, California	HFA-0133	Appeal of an Information Request Denial. If granted: The March 9, 1983, Freedom of Information Request Denial issued by the DOE Idaho Operations Office would be rescinded and W.R. Thomason, Inc. would receive access to the certified payroll records of Bingham Mechanical and Metal Products, Inc., a DOE subcontractor.
Apr. 1, 1983	Consolidated Materials, Inc., New Orleans, Louisiana	HRD-0121, HRH-0121	Motions for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the Proposed Remedial Order issued to Consolidated Materials, Inc. (Case No. HRO-0107).

REFUND APPLICATIONS RECEIVED

(Week of March 25 to April 1, 1983)

Date	Name of refund proceeding/name of refund applicant	Case No.
Mar. 30, 1983	Richardson/Enterprises, Products, Inc.	RF26-3
Mar. 28, 1983 through Apr. 1, 1983	Amoco Refund Applications	RF21-5237 through RF21-5718

[FR Doc. 83-30460 Filed 4-19-83; 8:45 am]

BILLING CODE 6450-01-M

Establishment of New Subsystem of Records**AGENCY:** Energy Department.**ACTION:** Notice of Proposal to Establish a New Subsystem of Records.

SUMMARY: This Notice states the intent of the Department of Energy (DOE) to add a new subsystem to an existing system of records. The new Subsystem C, entitled Residential Energy Consumption Surveys (RECS), will be a part of DOE's system of records DOE-67, Participants in Experiments, Studies, and Surveys. DOE-67 was last published in full on April 2, 1982, at 47 FR 14325.

DATE: May 20, 1983.

ADDRESS: Written comments should be forwarded to Wendel Thomson, EI-621, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Harris, FOI and Privacy Acts Branch, MA-232, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-5955

Barbara Sherman, Office of General Counsel, GC-41, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-8618

SUPPLEMENTARY INFORMATION: The new subsystem is part of the Residential Energy Consumption Survey (RECS) currently being performed by the Energy Information Administration (EIA). The survey involves interviewing households regarding their energy consumption and contacting the household's fuel

suppliers. The EIA has contracted with Response Analysis Corporation to collect the data. The authority for the RECS is Section 52 of the Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*; Pub. L. 93-275), as amended. The information from RECS will be used by the government and private groups for monitoring, modeling, and policymaking regarding energy consumption in U.S. households. In order to preserve the confidentiality of the data and to protect the privacy of the respondents, the contract provides that no individually identifiable data will be turned over to the EIA. The EIA will receive the detailed information for each household but without names, addresses, and other potentially identifying information. The data will be collected on Form EIA-457A-H; these forms have been approved by the Office of Management and Budget. In order to

collect additional data on household energy consumption and to identify changing patterns of energy use, the collected data must be maintained in name retrievable form so as to allow for follow-up interviews.

Issued in Washington, DC, April 13, 1983.
William S. Heffelfinger,
Director of Administration.

DOE-67

SYSTEM NAME:

Participants in Experiments, Studies and Survey

Subsystem C: EIA-457 Survey Reports (Residential Energy Consumption Survey)

SYSTEM LOCATION:

*** Subsystem C: Response Analysis Corporation, Route 208, Research Park, Princeton, NJ 08540. Portions of the system may be located with contractors or other entities involved in conducting the experiments, studies, or surveys, or in any DOE office. The contract with Response Analysis Corporation provides for the transfer of the subsystem directly to another contractor in the event the contract changes hands.

SECURITY CLASSIFICATION:

*** Subsystem C: Unclassified.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

*** Subsystem C: Persons responding to the Form EIA-457 (Residential Energy Consumption Survey) or a subsample thereof.

CATEGORIES OF RECORDS IN THE SYSTEM:

*** Subsystem C: Name, age, sex, home address and telephone number, education, income, family size and composition, characteristics of housing unit and household vehicles, name and address of landlord, name and address of fuel suppliers and records of energy purchases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

*** Subsystem C: 5 U.S.C. 301, Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, including authorities transferred to, and vested in, the Secretary of Energy under Title III of the Department of Energy Organization Act; Executive Order 12009; and Section 13(b) of the Federal Energy Administration Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

*** Subsystem C: The records are used by EIA to analyze energy consumption in U.S. households. Information in this system may be disclosed to Federal agencies as well as other entities which are participating in research in connection with which the data were obtained. Information in the possession of the EIA must be disclosed upon request to any DOE office which determines that the information relates to its functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

*** Subsystem C: Paper records, magnetic tape

RETRIEVABILITY:

*** Subsystem C: By name, identification number and geographic location.

SAFEGUARD:

*** Subsystem C: The paper records are kept in a secured building with access limited to those whose official duties require access; the building is locked during non business hours. Use of the records is permitted only to authorized employees of the contractor who sign an agreement that they will not disclose the records unless authorized to do so. In addition, access to the records on magnetic tape is controlled by a password known only to authorized employees who must work with the records.

RETENTION AND DISPOSAL:

*** Subsystem C: It is expected that identification of individuals will be destroyed five (5) years after the information is collected under EIA-457.

SYSTEM MANAGER(S) AND ADDRESS:

*** Subsystem C: Administrator, Energy Information Administration (or designee), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

NOTIFICATION PROCEDURES:

*** Subsystem C:
a. Requests by an individual to determine if a system of records contains information about him/her should be directed to the Freedom of Information and Privacy Acts Branch, Department of Energy, Washington, DC 20585 in accordance with DOE's Privacy Act Regulations (10 CFR Part 1008 (45 FR 61576, September 16, 1980)).
b. Required identifying information: Complete name at the time of study,

current name, address, and telephone number.

RECORDS ACCESS PROCEDURES:

*** Subsystem C: Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

*** Subsystem C: Same as notification procedures above.

RECORDS SOURCE CATEGORIES:

*** Subsystem C: The subject individual and utility companies authorized by the individuals to disclose consumption and bill information.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

*** Subsystem C: None.

New System Report—New System of Records Subject to the Privacy Act

Residential Consumption Surveys Description of the Purpose of the Proposed System of Records:

Description of the Purpose of the Proposed System of Records: This system of records is the principal data collected by the Energy Information Administration (EIA) to satisfy the needs of the U.S. Government, State governments, industry, and the public for information at the national and subnational levels on the consumption and expenditures for fuels used by American homes. The data also include energy-related housing characteristics, appliance use, thermal characteristics of the housing unit, conservation measures taken by the household, demographic features of the household, weather conditions, vehicles and their use (mileage and fuel purchased). The EIA disseminates these data through published reports used by a wide range of public and private groups, special statistical reports to U.S. Government agencies, and distribution of the basic data on computer data files properly edited to protect the identity of the household.

Authority Under Which System Will Be Maintained: 5 U.S.C. 301, Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, including authorities transferred to, and vested in, the Secretary of Energy under Title III of the Department of Energy Organization Act; Executive Order 12009; and Section 13(b) of the Federal Energy Administration Act of 1974.

Effect of the System on the Privacy of Individuals: The data in the system of records will be collected by Response Analysis Corporation. The information will be used by government and private groups for monitoring, modeling and policymaking regarding energy use in U.S. households. In order to preserve the confidentiality of the data and to protect the privacy of the respondents, the contract provides that no individually identifiable data will be turned over to EIA. The data received by EIA will be detailed for each household but without names, addresses or other potentially identifying information.

Risk of Unauthorized Disclosure: The paper records are kept in a secured building with access limited to those whose official duties require access; the building is locked during nonbusiness hours. Use of the records is permitted only to authorized employees of the contractor who sign an agreement that they will not disclose the records unless authorized to do so. In addition, access to the records on magnetic tape is controlled by a password known only to authorized employees who must work with the reports.

[FR Doc. 83-10459 Filed 4-19-83; 8:45 a.m.]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

NUCLEAR REGULATORY COMMISSION

Compliance With Section 223 of the Nuclear Waste Policy Act of 1982

Correction

In FR Doc. 83-8149 beginning on page 13253 in the issue of Wednesday, March 30, 1983, the heading should have carried the names of the two agencies as set forth above. This was a joint document issued by the Department of Energy and the Nuclear Regulatory Commission.

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-322; PH-FRL 2350-3]

Certain Companies; Pesticide and Feed Additive Petitions; Ciba-Geigy Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency; the comments are to be identified by the document control number [PF-322] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, (703-557-1930).

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

A. Initial Filing

1. **FAP 3H5389.** Ciba-Geigy Corp., PO Box 18300, Greensboro, NC 27419. Proposes amending 21 CFR 561.273 by establishing a regulation permitting the combined residues of the fungicide metalaxyl [N-(2,6-dimethylphenyl)-N-(methoxyacetyl)alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and N-(2-hydroxymethyl-6-methylphenyl)-N-(methoxyacetyl)alanine methyl ester each expressed as metalaxyl in or on the commodities apple pomace, wet at 0.4 parts per million (ppm) and apple pomace, dry at 2.0 ppm.

2. **PP 3F2847.** Ciba-Geigy Corp., PO Box 18300, Greensboro, NC 27419. Proposes amending 40 CFR 180.408 by establishing a tolerance for the combined residues of the fungicide metalaxyl and the metabolites in or on the raw agricultural commodity apples at 0.2 ppm. The proposed analytical method for determining residues is gas chromatography with an alkali flame ionization detector.

3. **PP 3F2848.** Ciba-Geigy Corp., Proposed amending 40 CFR 180.408 by establishing a tolerance for the combined residues of the fungicide metalaxyl and the metabolites in or on the raw agricultural commodity raspberries at 0.5 ppm. The proposed analytical method for determining residues is gas chromatography with an alkali flame ionization detector.

4. **PP 3F2854.** Mobay Chemical Corp., PO Box 4913, Hawthorn Road, Kansas City, MO 64120. Proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the fungicide beta-(4-chlorophenoxy-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol and its metabolite 4-(4-chlorophenoxy)-2,2-dimethyl-4-(1H-1,2,4-triazol-1-yl)-1,3-butanediol in or on the raw agricultural commodities corn fresh (including sweet) (K+CWHR), grain of barley, corn, (including field and popcorn), oats, rye, and wheat, meat, fat, and meat byproducts of poultry at 0.05 ppm; green forage of barley, oats, rye, and wheat at 2.5 ppm; corn forage at 1.0 ppm; corn fodder, straw of barley, oats, rye, and wheat at 0.1 ppm; meat, fat, and meat byproducts of cattle, goats,

hogs, horses, and sheep at 0.2 ppm; eggs at 0.005 ppm; and milk at 0.01 ppm. The proposed analytical method for determining residues is gas chromatography with an alkali flame detector.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136)), (Sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 11, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-10453 Filed 4-19-83; 8:45 a.m.]

BILLING CODE 6550-50-M

[OPP-240030; PH-FRL 2350-4]

State Registration of Pesticides; Arizona et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 17 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the Federal Register.

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1122, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2126).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in December, 1982. Receipts by EPA of State registrations will be published periodically. Except as indicated by (CUP) in 8 of the registrations listed below, there is no charged use pattern involved in any of these registrations.

Arizona

EPA SLN No. AZ 82 0021. Sandoz, Inc. Registration is for Thuricide HP WP, to be used on basil and coriander to control cabbage loopers. December 22, 1982.

EPA SLN No. AZ 82 0022. Sandoz, Inc. Registration is for Thuricide HPC, to be

used on basil and coriander to control cabbage loopers. December 22, 1982.

EPA SLN No. AS 82 0023. Sandoz, Inc. Registration is for Thuricide 32B, to be used on basil and coriander to control cabbage loopers. December 22, 1982.

Arkansas

EPA SLN No. AR 82 0032. FMC Corp. Registration is for Furadan 15G, to be used on soybeans to control nematodes. December 3, 1982.

EPA SLN No. AR 82 0034. FMC Corp. Registration is for Furadan 15G, to be used on young pine plantations and pines planted for Christmas trees to control Nantucket pine tip moths. December 3, 1982.

California

EPA SLN No. CA 82 0118. California Dept. of Health Services. Registration is for Baytex 4 Emulsifiable Insecticide, to be used on mosquito breeding areas to control mosquitoes. December 1, 1982.

EPA SLN No. CA 82 0119. Mallinckrodt, Inc. Registration is for Ornalin Contact Fungicide, to be used on roses to control gray mold. (CUP). December 20, 1982.

EPA SLN No. CA 82 0120. E. I. du Pont de Nemours and Co. Registration is for Du Pont Benlate Fungicide, to be used on seed crops to control powdery mildew. (CUP). December 30, 1982.

Florida

EPA SLN No. FL 82 0092. Rohm and Haas Co. Registration is for Dithane FL with Zinc, to be used on corn (field and popcorn) to control *Helminthosporium* leaf blight. (CUP). December 1, 1982.

EPA SLN No. FL 82 0093. Fairfield American Corp. Registration is for Permanone Tick Repellent, to be used on clothing to control ticks. December 7, 1982.

EPA SLN No. FL 82 0094. Gustafson, Inc. Registration is for Vitavax-200 FL Fungicide, to be used on rye to control seed and seedling diseases and loose smut. (CUP). December 7, 1982.

Georgia

EPA SLN No. GA 82 0020. FMC Corp. Registration is for Furadan 15 GR, to be used on young southern pine plantations and pines planted for Christmas trees to control Nantucket pine tip moths. December 15, 1982.

Louisiana

EPA SLN No. LA 82 0037. FMC Corp. Registration is for Furadan 15G, to be used on soybeans to control nematodes. December 13, 1982.

EPA SLN No. LA 82 0038. FMC Corp. Registration is for Furadan 15G, to be used on pine Christmas trees to control

Nantucket pine tip moths. December 13, 1982.

Minnesota

EPA SLN No. MN 82 0014. Ciba-Geigy Corp. Registration is for Princep 4G Herbicide, to be used on tree plantations for timber to control annual weeds. December 3, 1982.

EPA SLN No. MN 82 0015. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on Kentucky bluegrass seed fields for desiccation to facilitate burning. December 21, 1982.

EPA SLN No. MN 82 0016. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. December 21, 1982.

Mississippi

EPA SLN No. MS 82 0047. Platte Chemical Co. Registration is for Clean Crop Methyl Parathion 4-E, to be used on cottonwood plantations to control cottonwood borers. December 6, 1982.

Nebraska

EPA SLN No. NE 82 0023. O. M. Scott and Sons Co. Registration is for Scotts Proturf Insecticide 4, to be used on golf course fairways, tees, greens, and roughs to control white grubs, sod webworms, chinch bugs, mole crickets, and *Hyperodes* weevils. December 21, 1982.

EPA SLN No. NE 82 0024. Helena Chemical Co. Registration is for Aatram 20G, to be used on sorghum to control weeds. December 21, 1982.

New Jersey

EPA SLN No. NJ 82 0023. ICI Americas Inc. Registration is for Ectiban EC, to be used on dairy cattle, goats, horses, sheep, poultry, and swine and their premises to control flies, mosquitoes, ticks, lice, sheep keds, ear ticks, northern fowl mites, and mange. December 10, 1982.

EPA SLN No. NJ 82 0024. E.I. du Pont de Nemours and Co. Registration is for Du Pont Sinbar Weed Killer, to be used on alfalfa to control weeds. December 20, 1982.

New Mexico

EPA SLN No. NM 82 0023. E.I. du Pont de Nemours and Co. Registration is for Du Pont Velpar L Weed Killer, to be used on rangelands to control undesirable woody plants. December 23, 1982.

New York

EPA SLN No. NY 82 0012. E.I. du Pont de Nemours and Co. Registration is for

Du Pont Benlate Fungicide, to be used on *Brassica* crops to control seed-borne blacklegs. (CUP). December 21, 1982.

Oklahoma

EPA SLN No. OK 82 0029. Ciba-Geigy Corp. Registration is for Bicep Herbicide, to be used on Bermuda grass along highways to control annual weeds. December 9, 1982.

Tennessee

EPA SLN No. TN 82 0025. FMC Corp. Registration is for Furadan 15G, to be used on soybeans to control nematodes. December 14, 1982.

EPA SLN No. TN 82 0026. FMC Corp. Registration is for Furadan 15 GR, to be used on young southern pine plantations and pines planted for Christmas trees to control Nantucket pine tip moths. December 22, 1982.

EPA SLN No. TN 82 0027. FMC Corp. Registration is for Furadan 15 GR, to be used on dark-fired tobacco to control flea beetles. December 22, 1982.

Texas

EPA SLN No. TX 82 0061. FMC Corp. Registration is for Pounce 3.2, to be used on spinach to control cabbage loopers and other insects. December 15, 1982.

EPA SLN No. TX 82 0062. ICI Americas Inc. Registration is for Ambush EC, to be used on spinach to control cabbage loopers and other insects. December 15, 1982.

EPA SLN No. TX 82 0063. Valley Co-op Oil Mill. Registration is for Methyl Parathion 4-EC, to be used on cotton to control thrips, yellow-striped armyworms, cotton leafworms, boll weevils, and bollworms. December 17, 1982.

Virginia

EPA SLN No. VA 82 0038. Olin Corp. Registration is for Terraclor 10% GR, to be used on peanuts to control *Sclerotinia* blight (*Sclerotinia minor*). (CUP). December 29, 1982.

Washington

EPA SLN No. WA 82 0074. FMC Corp. Registration is for Thiodan 50 W, to be used on Douglas fir Christmas trees, seed orchards, and nurseries to control colley spruce gall aphids, and Douglas fir needle midges. December 6, 1982.

Dated: April 11, 1983.

Robert V. Brown,

Acting Director, Registration Division.

[FR Doc. 83-10454 Filed 4-19-83; 8:45 am]

BILLING CODE 5560-50-M

[PF-321; PH FRL 2348-5]

Certain Companies; Pesticide, Food and Feed Additive Petitions**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has received pesticide, food, and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-321] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, 703-557-2386.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide, food, and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Petitions

1. *PP 3F2843.* E.I. du Pont de Nemours & Co., Wilmington, DE 19898. Proposes amending 40 CFR 180.253 by establishing tolerance for the residues of the insecticide methomyl [S-methyl N-[(methylcarbamoyl)oxyl] thioacetimidate in or on the commodities: pineapples at 0.2 part per million (ppm), and pineapple forage at 1.0 ppm. The proposed analytical method for determining residues is microcoulometric gas chromatography.

2. *FAP 9H5217.* ICI American Inc., Wilmington, DE 19897. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide pirimiphos-methyl, *O*-(2-diethylamino-6-methylpyrimidin-4-yl) *O,O*-dimethylphosphorothioate, the

metabolite *O*-2-ethylamino-6-methylpyrimidin-4-yl) *O,O*-dimethylphosphorothioate and in free and conjugated form the metabolites 2-diethylamino-6-methylpyrimidin-4-ol, 2-ethylamino-6-methylpyrimidin-4-ol and 2-amino-6-methylpyrimidin-4-ol on the commodities rice hulls at 60.0 ppm, rice milling fractions at 50.0 ppm, and wheat milling fractions at 50.0 ppm.

3. *FAP 9H5217.* ICI Americas Inc. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of pirimiphos-methyl and the above metabolite in or on the commodities rice milling fractions at 50.0 ppm, and wheat milling fractions at 50.0 ppm.

Amended Petitions

1. *PP 2F2631.* Shell Oil Co., 1025 Connecticut Ave., NW., Washington, D.C. 20036. EPA issued a notice published in the *Federal Register* of March 3, 1982 (47 FR 9068) that announced that Shell Oil Co. had submitted pesticide petition 2F2631 to the Agency proposing to amend 40 CFR 180.362 by increasing tolerances for the combined residues of hexakis (2-methyl-2-phenylpropyl)distanoxane and its organotin metabolite calculated as hexakis (2-methyl-2-phenylpropyl)-distanoxane in or on raw agricultural commodities apples, pears, and citrus fruits from 4.0 to 15.0 ppm.

Shell has amended the petition further by increasing the tolerance on citrus fruits from 15.0 to 20.0 ppm. The proposed analytical method for determining residues is gas-liquid chromatography using a tin selective flame photometric detector.

2. *FAP 2H5336.* Shell Oil Co. EPA issued a notice published in the *Federal Register* of March 3, 1982 (47 FR 9068) that announced that Shell had submitted a feed additive petition 2H5336 to the Agency proposing to amend 21 CFR 561.255 by increasing tolerances for the established tolerance levels for the combined residues of hexakis and its organotin metabolites in or on the commodities dried apple pomace from 20.0 to 75.0 and dried citrus pomace from 7.0 to 30.0 ppm.

Shell now amends the petition by increasing the tolerance level on dried citrus pomace from 30.0 ppm to 35.0 ppm.

3. *PP 3F2778.* Dow Chemical Co., P.O. Box 1706, Midland, MI 48640. EPA issued a notice published in the *Federal Register* of December 22, 1982 (47 FR 57128), that announced that Dow Chemical Co. had submitted pesticide petition 3F2778 to the Agency proposing

to amend 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) in or on the commodities almonds at 0.05 ppm, walnuts at 0.2 ppm, and almond hulls at 12.0 ppm.

Dow has amended the petition by increasing the tolerance level on almonds from 0.05 to 0.2 ppm. The proposed analytical method for determining residues is gas chromatography using electron capture detector.

4. *PP OF2423.* Dow Chemical Co. EPA issued a notice published in the *Federal Register* of October 23, 1980 (45 FR 70312) that announced that Dow Chemical Co., has submitted pesticide petition OF2423 to the Agency proposing to amend 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chlorpyrifos-methyl [*O,O*-dimethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the following raw agricultural commodities: barley, corn, oats, rice, sorghum, and wheat grain at 6.0 ppm; eggs at 0.05 ppm; milk, fat at 0.1 ppm; milk, whole at 0.02 ppm; meat of cattle, goats, hogs, horses, and sheep at 0.1 ppm; fat of cattle, goats, and sheep at 0.2 ppm; fat of hogs and horses at 0.3 ppm; meat byproducts of cattle, goats, and sheep at 1.0 ppm; meat byproducts of hogs and horses 0.5 ppm; and meat fat and meat byproducts of poultry at 0.05 ppm.

Dow has amended the petition by increasing the tolerances on poultry fat from 0.05 to 0.1 ppm, and milk fat from 0.1 to 0.5 ppm. The proposed analytical method for determining residues is by liquid chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 7, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-10264 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66100; PH-FRL 2346-3]

Certain Pesticide Products; Intent To Cancel Registration: Shell Oil Co. et al.**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: May 20, 1983.

ADDRESS: Written comments to:
Program Support Division (TS-757C),

Office of Pesticide Programs,
Environmental Protection Agency, Rm.
236, CM #2, 1921 Jefferson Davis
Highway, Arlington, VA 22202

FOR FURTHER INFORMATION CONTACT:
Lela Sykes, Process Coordination
Branch (TS-767C), Registration Division,
Office of Pesticide Programs,
Environmental Protection Agency, Rm.

706, CM #2, 1921 Jefferson Davis
Highway, Arlington, VA 22202, (703-
557-7406).

SUPPLEMENTARY INFORMATION: EPA has
been advised by the following firms of
their intent to voluntarily cancel
registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
201-350	Shell D-D/PIC Soil Fumigant	Shell Oil Company, 1025 Connecticut Ave. NW., Washington, D.C. 20036	Nov. 6, 1973.
279-2222	PCNB 10ZINEB 10 Soil Treater	FMC Corporation, 2000 Market Street, Philadelphia, PA 19103	June 8, 1965.
279-2354	Lanstan 10 PCNB 4 Granular	do	Dec. 9, 1965.
279-2975	Captan Terracot 10-10 Soil Treater	do	Oct. 31, 1968.
299-122	Martin's Wettable Dusting Sulfur	C. J. Martin Company, P.O. Box 1089, Nacogdoches, TX 75961	Apr. 25, 1967.
399-5	Triple-X Sulfur Candles	Triple X Chemical Lab., 841 Skokie Road, Lake Bluff, IL 60044	Jan. 31, 1973.
400-338	TH Servin 5 Thiodan 1.5 Dust	Uniroyal Chemical, 74 Amity Road, Bethany, CT 06525	May 16, 1969.
400-342	TH Thiodan Mixture with Pyrethrin Insecticide	do	Apr. 21, 1972.
524-303	Granular Ramrod Atrazine 24	Monsanto Company, 1101 17th St. NW., Suite 604, Washington, D.C. 20036	Jan. 22, 1973.
539-67	Sears Wettable Dusting Sulfur	Sears Roebuck & Company, Sears Tower, Department 766, 68th Floor, Chicago, IL 60684	July 21, 1949.
557-1458	Vigoro Rose & Floral Spray	Estech General Chemicals Corp., 30 N. LaSalle Street, Chicago, IL 60602	Jan. 27, 1964.
595-268	Haviland Atrazine Linuron Weed Killer	Haviland Agricultural Chem. Co., 1845 Sterling, NW, Grand Rapids, MI 49502	Mar. 21, 1966.
635-239	E-Z Flo Cooper Zinc Chromate Thiodan 6-3 Dust	Grower Service Corp., P.O. Box 18037, Lansing, MI 48901	Jan. 10, 1962.
635-391	E-Z Flo Thiodan Copper 1.5-6 Dust	do	Aug. 18, 1965.
635-506	3% Thiodan Dust (TSB)	do	Aug. 6, 1966.
760-433	Security Methomyl 2% Dust	Woodfolk Chemical Works, Inc., P.O. Box 936, Fort Valley, GA 31030	Aug. 15, 1973.
802-41	Miller's Greer 99 Dusting Sulfur	The Chas. H. Lilly Co., 7737 NE Killingsworth, Portland, OR 97218	Sept. 2, 1949.
802-207	Sulfo 95 Wettable Sulfur	do	Aug. 22, 1967.
1022-421	Chapman Weed-Free ABC-6P	Chapman Chemical Company, P.O. Box 9158, Memphis, TN 38109	Apr. 4, 1968.
1023-6	Tuco Act-Dione 5%	The Upjohn Company, 7171 Portage Road, Kalamazoo, MI 49001	Apr. 17, 1952.
1023-13	Act-Dione BR Concentrate	do	Dec. 10, 1957.
1258-760	Olin Terracot-Super-X Pre-Mix Dust	Olin Corporation, Agricultural Products Dept., P.O. Box 991, Little Rock, AR 72203	Feb. 28, 1966.
1258-800	Sperfox S	do	Aug. 31, 1967.
1258-801	Olin Terracot Liquid	do	Oct. 25, 1967.
1258-803	Sperfox S2	do	Nov. 3, 1967.
1258-814	Olin Terra-Coat L-41	do	June 4, 1968.
1258-819	Olin Terra-Coat WP-6015	do	Oct. 7, 1974.
1258-824	Olin Terra-Coat WP-4010 with Moly	do	July 16, 1969.
1258-830	Olin Terra-Coat L-105	do	Jan. 6, 1970.
1258-944	Olin Terra-Coat 205-LF	do	Mar. 23, 1973.
1258-964	Olin Terracot 20% Granular	do	July 11, 1973.
1269-93	Dewitt Formula 161 Weed Killer Non-Selective Type	Dewitt Chemical Co., P.O. Box 2015, Atlanta, GA 30301	Nov. 8, 1967.
1348-50	Selco Chlordane 46% Emulsifiable Conc.	Selco Supply Company, 650 "O" Street, Greeley, CO 80631	Apr. 25, 1952.
1348-58	Selco Chlordane 73% Emulsifiable	do	Oct. 29, 1952.
1386-521	Unico Spraying Sulfur	Universal Cooperative, Inc., P.O. Box 460, Minneapolis, MN 55440	Oct. 9, 1967.
1526-358	50% Dusting Sulfur	Arizona Agrochemical Co., P.O. Box 21537, Phoenix, AZ 85038	Oct. 23, 1964.
1526-392	Phoenix Brand Dusting Sulfur	do	Apr. 11, 1967.
1677-34	Solax Bowl Cleanse	Economics Lab Inc., Osborn Building, St. Paul, MN 55102	Mar. 9, 1967.
2269-114	Thiodan 3 Parathion 1 Tobacco Dust	Gold Kist Inc., P.O. Box 2210, Atlanta, GA 30301	June 12, 1968.
2269-136	New Tobacco Bug Blaster	do	July 9, 1970.
2342-849	Copper 7 Thiodan 3 Dust	Keel-McGee Chemical Corp., Keel-McGee Center, Oklahoma City, OK 73125	Aug. 24, 1973.
2342-850	Servin 5 Thiodan 1.5 dust	do	Apr. 12, 1967.
2342-853	Maneb Thiodan Dust	do	Aug. 24, 1973.
4000-65	Mf-Du-Nix	Southern Chemical Products Co., P.O. Box 205, Macon, GA 31297	Sept. 17, 1975.
4887-6	Stephenson Chemicals Wettable Dusting	Stephenson Chemical Company, Inc., P.O. Box 87188, College Park, GA 30337	Feb. 15, 1966.
6783-8	They-Go Insecticide	Arval Chemicals, Inc., 7320 86th Ave., Seat Pleasant, MD 20027	Sept. 22, 1971.
8501-17	Moss Stop	Pace National Corp., 500 7th Ave., South, Kirkland, Washington 98033	Jan. 17, 1972.
8590-229	Agway Wettable Sulfur Dust or Spray	Agway, Inc., P.O. Box 4741, Syracuse, NY 13221	Aug. 10, 1966.
8590-271	Agway Corn Herbicide	do	Apr. 11, 1967.
9241-5	Poco O-San	The Powell Company, Inc., 700 North Main Street, Lima, OH 45801	Oct. 19, 1962.
9779-248	Harlequin Vegetable Dust	Riverside Chemical Company, A Subsidiary of Terra Chemicals Int'l. Inc., P.O. Box 1828, Sioux City, IA 51102	Sept. 16, 1976.
9792-1	Coperoyd Pure Metallic Copper Antifouling Boat Bottom Coating	James B. Day & Company, Company Day Lane, Carpentersville, IL 60110	Nov. 24, 1967.
10184-1	Pomas #101 Antifouling Gel Coate	PMS Consolidated, 109 New Brunswick Road, Somerset, NJ 08873	Apr. 14, 1969.
10184-2	Pomas #102 Antifouling Gel Coate	do	Apr. 14, 1969.
34704-148	E-Z Flo Dichloro 3 Dust	Platte Chemical Company, P.O. Box 667, Greeley, CO 80632	Feb. 27, 1959.
34704-166	E-Z Flo Phygon Sulfur Dust	do	Mar. 26, 1965.
34704-184	E-Z Flo Dichloro Sulfur 1.5-30 Dust	do	Sept. 8, 1968.
44313-1	Roach-Kill	R-Value Inc., P.O. Box 2235, Smyrna, GA 30080	May 23, 1980.
46946-60	De-Pester Thio, Karathen 3-1	Uniroyal Chemical, 74 Amity Road, Bethany, CT 06525	Nov. 13, 1967.
46946-65	De-Pester Thio 4% Dust	do	Feb. 16, 1968.
46946-62	De-Pester Thio 3% Dust	do	Aug. 16, 1966.
46946-101	De-Pester Thio-Sulfur 4-50	do	June 5, 1968.
46946-102	De-Pester Thio-Sulfur 3-50	do	May 28, 1968.
46946-118	De-pesther Thio-Sulfur A-75	do	Feb. 4, 1969.
46946-189	TH Thiodan 3 Dust Insecticide	do	Apr. 21, 1972.

The Agency has agreed that such
cancellation shall be effective May 20,
1983 unless within this time the

registrant, or other interested person
with the concurrence of the registrant,
requests that the registration be

continued in effect. The registrants were
notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66100]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Rm. 236, CM#2, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136j)

Dated: April 6, 1983.

James M. Conlon,
Director, Office of Pesticide Programs.

(FR Doc. 83-0828 Filed 4-19-83; 8:45 am)

BILLING CODE 5560-50-M

[OPP-240028; PH-FRL 2346-1]

State Registration of Pesticides; Alabama et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 23 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the Federal Register.

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1122, CM#2, 2921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2126).

SUPPLEMENTARY INFORMATION: Most of the registration listed below were received by EPA in October 1982. Receipts by EPA of state registrations will be published periodically. Except as indicated by (CUP) in 8 of the registrations listed below, there is no changed use pattern involved in any of these registrations.

Alabama

EPA SLN No. AL 82 0036. Red Panther Chemical Co. Registration is for Red Panther Ethylene Dibromide 90, to be used on soybeans to control lance, spiral, sting, and moderate infestations of cyst and root-knot nematodes. October 7, 1982.

Arizona

EPA SLN No. AZ 82 0019. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate Insecticide, to be used on onions (green and dry) to control beet armyworms, thrips, and variegated cutworms. October 29, 1982.

EPA SLN No. AZ 82 0020. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate L Insecticide, to be used on onions (green and dry) to control beet armyworms, thrips, and variegated cutworms. October 29, 1982.

California

EPA SLN No. CA 82 0078. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10% Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. October 18, 1982.

EPA SLN No. CA 82 0088. Shell Chemical Co. Registration is for D.D., to be used on nursery stock growing grounds to control plant parasitic nematodes. (CUP). October 12, 1982.

EPA SLN No. CA 82 0100. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on grapes to control emerged annual weeds and grasses. October 4, 1982.

EPA SLN No. CA 82 0101. Mobay Chemical Corp. Registration is for Nemacur 3, to be used on cotton to control nematodes and thrips. (CUP). October 4, 1982.

EPA SLN No. CA 82 0102. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on grapes to control emerged

annual weeds and grasses. October 4, 1982.

EPA SLN No. CA 82 0103. Mobay Chemical Corp. Registration is for Metasystox R Spray Concentrate to be used on peppers to control leafhoppers. October 29, 1982.

EPA SLN No. CA 82 0104. Mobay Chemical Corp. Registration is for Metasystox R Spray Concentrate to be used on melons to control leafhoppers. October 29, 1982.

EPA SLN No. CA 82 0107. Vertac Chemical Corp. Registration is for Premerge 3, to be used on dormant grapes to control dead arm and susceptible broadleaf and grassy weeds. October 18, 1982.

EPA SLN No. CA 82 0108. California Dept. of Agriculture. Registration is for Bromo Gas (liquid) Dow Fume MC 2, to be used on nursery stock growing grounds to control *Phytophthora cinnamomi* and plant parasitic nematodes. October 26, 1982.

EPA SLN No. CA 82 0109. Sonoma County Agricultural Commissioner. Registration is for Pocket Gopher Bait Strychnine Treated Grain (2.63%), to be used in artificial burrows to control gophers. October 26, 1982.

EPA SLN No. CA 82 0110. Sonoma County Agricultural Commissioner. Registration is for Pocket Gopher Bait Strychnine Treated Grain (0.29%), to be used in artificial burrows to control gophers. October 26, 1982.

EPA SLN No. CA 82 0112. Orange County Agricultural Commissioner. Registration is for Feral Pigeon and Crow Bait Starlicide Treated Grain (0.37%), to be placed in feeding areas to control pigeons and crows. October 28, 1982.

Florida

EPA SLN No. FL 82 0084. The Land, Epcot Center. Registration is for Orthene 75 S, to be used on various crops to control thrips, fleahoppers, whiteflies, cutworms, and aphids. October 12, 1982.

EPA SLN No. FL 82 0085. The Land, Epcot Center. Registration is for Dibrom 8 Emulsive, to be used on various crops to control grasshoppers, mites, cutworms, whiteflies, and aphids. October 12, 1982.

EPA SLN No. FL 82 0086. The Land, Epcot Center. Registration is for Ridomil 2E, to be used on various crops to control Pythium damping-off and *Phytophthora*. (CUP). October 12, 1982.

EPA SLN No. FL 82 0087. The Land, Epcot Center. Registration is for Phaltan 50 Wettable, to be used on various crops to control powdery and downy mildew. (CUP). October 12, 1982.

EPA SLN No. FL 82 0088. The Land, Epcot Center. Registration is for Orthocide 50 WP, to be used on various crops to control *Botrytis*, *Pythium* damping-off, gray leaf spot, and downy mildew. (CUP). October 12, 1982.

Georgia

EPA SLN No. GA 82 0019. Mobay Chemical Corp. Registration is for Oftanol 5% GR, to be used on turf grasses to control white grub larvae, *Hyperodes* weevils, billbugs, chinch bugs, and sod webworms larvae. October 6, 1982.

Idaho

EPA SLN No. ID 82 0031. American Hoechst Corp. Registration is for Hoelon 3EC Herbicide, to be used on fall-planted wheat to control downy brome and riggut brome as germination occurs. October 1, 1982.

Illinois

EPA SLN No. IL 82 0021. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on cucurbits (cucumbers, melons, squash, and pumpkins) to control nematodes and striped and spotted cucumber beetles. October 7, 1982.

EPA SLN No. IL 82 0022. Motomco Ltd. Registration is for Contrax-P, to be used on orchards or groves to control meadow and pine mice and voles. October 22, 1982.

Kansas

EPA SLN No. KS 82 0020. Mobay Chemical Corp. Registration is for Sencor 50% WP, to be used on winter wheat to control grasses and broadleaf weeds. October 5, 1982.

EPA SLN No. KS 82 0021. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used on winter wheat to control grasses and broadleaf weeds. October 5, 1982.

EPA SLN No. KS 82 0022. Mobay Chemical Corp. Registration is for Sencor DF, to be used on winter wheat to control grasses and broadleaf weeds. October 5, 1982.

EPA SLN No. KS 82 0023. Philips Roxane, Inc. Registration is for Anchor Permethrin 25% WP Long Lasting Barn and Premise Fly Spray, to be used on horse, beef, dairy, swine, and poultry premises to control house, stable, and false stable flies. October 29, 1982.

Mississippi

EPA SLN No. MS 82 0043. Monsanto Co. Registration is for Roundup Herbicide, to be used on roadside Bermuda grass to control Johnson grass. October 25, 1982.

Montana

EPA SLN No. MT 82 0013. American Hoechst Corp. Registration is for Hoelon 3EC Herbicide, to be used on winter wheat to control downy brome and riggut brome as germination occurs. October 19, 1982.

EPA SLN No. MT 82 0014. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on livestock premises to control flies, mites, ticks, and lice. October 26, 1982.

New Jersey

EPA SLN No. NJ 82 0018. Stauffer Chemical Co. Registration is for Captan 50 WP—Captan 80 WP, to be used on blueberries to control *Botrytis* fruit rot, anthracnose fruit rot, and mummy berries. (CUP). October 6, 1982.

North Carolina

EPA SLN No. NC 82 0028. Shell Chemical Co. Registration is for Pydrin Insecticide 2.4 EC, to be used on soybeans to control Mexican bean beetles, green cloverworms, velvetbean caterpillars, potato leafhoppers, cabbage loopers, corn earworms, southern green stinkbugs, and bean leaf beetles. October 21, 1982.

EPA SLN No. NC 82 0029. E.I. du Pont de Nemours and Co. Registration is for Du Pont Tersan 1991 Turf Fungicide, to be used on Bermuda grass turf to control spring deadspot disease. (CUP). October 21, 1982.

EPA SLN No. NC 82 0030. U.S. Dept. of Agriculture. Registration is for Proturf Insecticide, to be used on turf to control grubs. October 21, 1982.

North Dakota

EPA SLN No. ND 82 0019. Agsco, Inc. Registration is for Agsco DB-Green + Vitavax Seed Treatment, to be used on wheat, oats, barley, and corn seeds to control smuts, seed decay, and seedling blight and for temporary protection of seeds and seedlings against wireworms. October 20, 1982.

EPA SLN No. ND 82 0020. Farmers Union Central Exchange, Inc. Registration is for Cenex E.P. Herbicide to be used on spring barley and spring and winter wheat to control broadleaf weeds. October 21, 1982.

Ohio

EPA SLN No. OH 82 0019. Mobay Chemical Corp. Registration is for Furadan 4 F, to be used on soybeans to control root-knot, cyst, stunt, ring, spiral, lesion, lance, dagger and stubby-root nematodes. October 28, 1982.

EPA SLN No. OH 82 0020. Fairfield American Corp. Registration is for Permanone Tick Repellent, to be used on

clothing to control ticks. October 28, 1982.

Oklahoma

EPA SLN No. OK 82 0028. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on animals and their premises to control flies. October 1, 1982.

Oregon

EPA SLN No. OR 82 0066. American Hoechst Corp. Registration is for Hoelon 3EC Herbicide, to be used on fallplanted wheat to control bromes. October 1, 1982.

EPA SLN No. OR 82 0067. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Snail and Slug Bait, to be used on all crops to control slugs or snails. October 4, 1982.

EPA SLN No. OR 82 0068. The Chas. H. Lilly Co. Registration is for Miller's Wipe Out Slug and Snail Bait (pelleted), to be used on clover and wheat to control slugs and snails. October 13, 1982.

EPA SLN No. Or 82 0069. Chevron Chemical Co. Registration is for Ortho Slug-Geta Snail and Slug Bait, to be used prior to planting crops such as clover or wheat to control slugs and snails. October 15, 1982.

Pennsylvania

EPA SLN No. PA 82 0022. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on alfalfa to control weeds between cuttings. October 8, 1982.

EPA SLN No. PA 82 0023. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on livestock and their premises to control flies, lice, and ticks. October 25, 1982.

South Dakota

EPA SLN No. SD 82 0010. Shell Chemical Co. Registration is for Shell Bladex 80W Herbicide and Bladex 4L, to be used on corn to control grasses and broadleaf weeds. October 18, 1982.

Tennessee

EPA SLN No. TN 82 0024. O.M. Scott and Sons Co. Registration is for Proturf Insecticide, to be used on cool season grasses to control sod webworms, chinch bugs, mole crickets, and *Hyperodes* weevils. October 18, 1982.

Texas

EPA SLN No. TX 82 0057. Ciba-Geigy Corp. Registration is for D Z N Diazinon AG500, to be used on winter wheat to control white grubs. October 20, 1982.

EPA SLN No. TX 82 0058. Ciba-Geigy Corp. Registration is D Z N Diazinon

50W, to be used on winter wheat to control white grubs. October 20, 1982.

EPA SLN No. TX 82 0059. Ciba-Geigy Crop. Registration is for D Z N Diazinon 14G, to be used on winter wheat to control white grubs. October 20, 1982.

Utah

EPA SLN No. UT 82 0011. Dow Chemical U.S.A. Registration is for Tordon 22K Weed Killer, to be used on rangeland and permanent grass pastures to control yellow star thistles, scotch thistles, must thistles, ox-eye daisies, diffuse knapweeds, spotted knapweeds, henbanes, buffalo burs, rabbit brush spp., tansy ragworts, Canada thistles, rush skeletonweeds, Russian knapweeds, dalmatian toadflaxes, gorses, leafy spurge, larkspurs, field bindweeds, and poison oak. October 22, 1982.

Washington

EPA SLN No. WA 820062. E. I. du Pont de Nemours and Co. Registration is for Du Pont Krovar I Weed Killer, to be used on noncropland to control grass and broadleaf weeds. October 1, 1982.

EPA SLN No. WA 82 0063. Great Lakes Chemical Corp. Registration is for Terr-O-Gas 75, to be used on onions (dry bulb) to control White rot. (CUP). October 19, 1982.

EPA SLN No. WA 82 0064. American Hoechst Corp. Registration is for Heolon 3EC Herbicide, to be used on fallplanted wheat to control certain bromes. October 1, 1982.

EPA SLN No. WA 82 0065. Platte Chemical Co., Inc. Registration is for Clean Crop Spud Nic 4, to be used on potatoes to prevent sprouting. October 19, 1982.

West Virginia

EPA SLN No. WV 82 0010. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on alfalfa for weed control between cuttings. October 1, 1982.

Dated: April 6, 1983.

James W. Akerman,
Acting Director, Registration Division.

[FR Doc. 83-0928 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240029; PH-FRL 2346-2]

State Registration of Pesticides; Alabama et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 23 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the Federal Register.

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1122, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2126).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in November, 1982. Receipts by EPA of State registrations will be published periodically. Except as indicated by (CUP) in seven of the registrations listed below, there is no changed use pattern involved in any of these registrations.

Alabama

EPA SLN No. AL 82 0037. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. November 30, 1982.

California

EPA SLN No. CA 82 0059. Degesch America, Inc. Registration is for Degesch Phostoxin Coated Pellets-Prepak, New Coated Tablets-R, and Phostoxin Coated Pellets, to be used on animal feed to control Hessian flies. November 22, 1982.

EPA SLN No. CA 82 0105. Stanislaus County Dept. of Agriculture. Registration is for Plictran 50W Miticide and Ortho Plictran 50W Miticide, to be used on almonds, nectarines, peaches, plums, prunes, and walnuts to control mites. November 1, 1982.

EPA SLN No. CA 82 0106. Merced County Dept. of Agriculture. Registration is for Plictran 50 W Miticide and Ortho Plictran 50 W Miticide, to be used on strawberries to control mites. November 1, 1982.

EPA SLN No. CA 82 0111. Stanislaus County Dept. of Agriculture. Registration is for Ortho Paraquat CL Devrinol 50 WP, to be used on nonbearing kiwis to control weeds listed on the registered labels. November 1, 1982.

EPA SLN No. CA 82 0113. San Benito County Agriculture Commissioner. Registration is for Orthocide 10 Dust, Orthocide 4 FL, Orthocide 50 W, to be used on peppers to control *Bettrytis* rot. (CUP). November 1, 1982.

EPA SLN No. CA 82 0115. Placer County Dept. of Agriculture. Registration is for DZN Diazinon 50 W, to be used on dormant apple and pear bare root nursery stock to control wooly apple aphids. November 15, 1982.

EPA SLN No. CA 82 0116. Kocide Chemical Corp. Registration is for Kocide 101, to be used on crops for frost injury protection. (CUP). November 23, 1982.

EPA SLN No. CA 82 0117. Riverside County Agriculture Dept. Registration is for Maintain CF 125, to be used on ornamental olive trees for fruit prevention. November 29, 1982.

Connecticut

EPA SLN No. CT 82 0011. FMC Corp. Registration is for Furadan 15 GR, to be used during seeding time on pure alfalfa to control nematodes, potato leafhoppers, alfalfa blotch leafminers, and clover root curculios. November 5, 1982.

EPA SLN No. CT 82 0012. FMC Corp. Registration is for Furadan 15 GR, to be used on sweet corn at planting to control flea beetles and sweet corn pests. November 5, 1982.

Delaware

EPA SLN No. DE 82 0013. FMC Corp. Registration is for Furadan 15 GR, to be used on sweet corn at planting to control flea beetles and northern corn rootworms. November 15, 1982.

EPA SLN No. DE 82 0014. FMC Corp. Registration is for Furadan 15 GR, to be used on non-bearing peach, nectarine, and apple trees to control nematodes. November 15, 1982.

EPA SLN No. DE 82 0015. FMC Corp. Registration is for Furadan 15 GR, to be used on pure seeded alfalfa to control clover root curculios, nematodes, potato leafhoppers, and alfalfa blotch leafminers. November 15, 1982.

EPA SLN No. DE 82 0018. FMC Corp. Registration is for Furadan 15 GR, to be used on potatoes to control European corn borers. November 15, 1982.

Florida

EPA SLN No. FL 82 0089. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on peanuts to control root-knot, lesion, and ring nematodes. November 15, 1982.

EPA SLN No. FL 82 0090. FMC Corp. Registration is for Pounce 3.2 EC Insecticide, to be used on cotton to

control bollworms and tobacco budworms. November 15, 1982.

EPA SLN No. 82 0091. The Land, Epcot Center. Registration is for Orthene Tree and Ornamental Spray, to be used on trees and ornamentals to control gypsy moths, aphids, thrips, budworms, and cankerworms. November 2, 1982.

Idaho

EPA SLN No. ID 82 0032. PBI/Gordon Corp. Registration is for Ultra-Sulv Amine, to be used on small grains, pastures, rangelands, fallow lands, and non-crop areas to control broadleaf weeds. (CUP). November 15, 1982.

EPA SLN No. ID 82 0033. O. M. Scott and Sons Co. Registration is for Proturf Insecticide, to be used on golf course fairways, tees, greens, and roughs to control sod webworms, chinch bugs, mole crickets, and *Hyperodes* weevils. November 30, 1982.

EPA SLN No. ID 82 0034. Mobay Chemical Corp. Registration is for Kaygon 1.67, to be used outdoors to control adult mosquitoes. November 30, 1982.

Illinois

EPA SLN No. IL 82 0023. Mobay Chemical Corp. Registration is for Ofanol 5% GR, to be used on turf grasses to control white grub larvae, *Hyperodes* weevils, chinch bugs, billbugs, and sod webworm larvae. November 5, 1982.

Kansas

EPA SLN No. KS 82 0024. Dow Chemical U.S.A. Registration is for Tordon 22K Weed Killer, to be used on rangelands and permanent grass pastures to control mush thistles. November 1, 1982.

Maryland

EPA SLN No. MD 82 0018. E.I. du Pont de Nemours and Co. Registration is for Du Pont Sinbar Weed Killer and Du Pont Karmek, to be used on blueberries to control weeds. November 19, 1982.

Michigan

EPA SLN No. MI 82 0025. FMC Corp. Registration is for Furadan 15G Insecticide-Nematicide, to be used on cucurbits (cucumbers, melons, squash, pumpkins) to control nematodes and striped and spotted cucumber beetles. November 17, 1982.

Mississippi

EPA SLN No. MS 82 0044. FMC Corp. Registration is for Furadan 15G, to be used on soybeans to control nematodes. November 2, 1982.

EPA SLN No. MS 82 0045. FMC Corp. Registration is for Furadan 15G, to be

used on young pine plantations and pines planted for Christmas trees to control Nantucket pine tip moths. November 2, 1982.

EPA SLN No. MS 82 0046. FMC Corp. Registration is for Furadan 15G, to be used on sugarcane to control sugarcane beetles. November 2, 1982.

Nevada

EPA SLN No. NV 82 0014. Mobay Chemical Corp. registration is for Baygon 1.67, to be used on outdoor areas to control mosquitoes. November 5, 1982.

New Hampshire

EPA SLN No. NH 82 0004. FMC Corp. Registration is for Furadan 4 FL, to be used on strawberries to control root weevils. November 1, 1982.

New Jersey

EPA SLN No. NJ 82 0019. Stauffer chemical Co. Registration is for Devrinol 10-G, to be used on cranberries to control nutsedge, rice cutgrass, and purple stem beggarticks. November 12, 1982.

EPA SLN No. NJ 82 0020. FMC Corp. Registration is for Furadan 15 GR, to be used on non-bearing peach, apple, and nectarine trees to control nematodes. November 18, 1982.

EPA SLN No. NJ 82 0021. FMC Corp. Registration is for Furadan 15 GR, to be used at seeding time on pure alfalfa to control nematodes, potato leafhoppers, alfalfa blotch leafminers, and clover root curculios. November 18, 1982.

EPA SLN No. NJ 82 0022. FMC Corp. Registration is for Furadan 15 GR, to be used on sweet corn at planting to control flea beetles, northern corn rootworms, and nematodes. November 18, 1982.

New Mexico

EPA SLN No. NM 82 0024. FMC Corp. Registration is for Furadan 15G, to be used on sugarbeets to control beet leafhoppers, aphids, and flea beetles. November 10, 1982.

EPA SLN No. NM 82 0025. FMC Corp. Registration is for Furadan 15G, to be used on peppers to control flea beetles, green peach aphids, and thrips. November 10, 1982.

North Carolina

EPA SLN No. NC 82 0031. Mobay Chemical Corp. Registration is for Furadan 4F, to be used on alfalfa to control clover root curculios, potato leafhoppers, crickets, and grasshoppers. November 1, 1982.

EPA SLN No. NC 82 0032. Mobay Chemical Corp. Registration is for Furadan 10GR, to be used on alfalfa to

control clover root curculios, potato leafhoppers, crickets, and grasshoppers. November 1, 1982.

EPA SLN No. NC 82 0033. Mobay Chemical Corp. Registration is for Furadan 15G, to be used on alfalfa to control clover root curculios, potato leafhoppers, crickets, and grasshoppers. November 1, 1982.

EPA SLN No. 82 0034. Philips Roxane, Inc. Registration is for Bio-ceutic Overtime 25% WP Long Acting Livestock Premise Insecticide, to be used on livestock premises to control flies. November 3, 1982.

EPA SLN No. 82 0035. Philips Roxane, Inc. Registration is for Anchor Permethrin 25% WP Long Acting Barn and Premise Fly Spray, to be used on livestock premises to control flies. November 3, 1982.

EPA SLN No. NC 82 0036. International Two thousand, Inc. Registration is for Mr. Rat Guard II, to be used on orchards to control pine voles and meadow voles. November 18, 1982.

North Dakota

EPA SLN No. ND 82 0021. Platte Chemical Co. Registration is for Clean Crop Spud Nic 4, to be used on potatoes while in storage to control sprouting. November 18, 1982.

Ohio

EPA SLN No. OH 82 0021. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on beef and dairy cattle and horses to control face, stable, house, horse, and horn flies and lice, and on beef and dairy cattle, to control ticks and psoroptic (scabies) mites, and on swine to control hog lice and mange mites. November 17, 1982.

EPA SLN No. OH 82 0022. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. November 17, 1982.

Oklahoma

EPA SLN No. OK 82 0030. O.M. Scott and Sons Co. Registration is for Proturf Insecticide 4 to be used on golf course fairways, tees, greens, and roughs to control white grubs (cool season grasses only), sod webworms, chinch bugs, mole crickets, and *Hyperodes* weevils. November 29, 1982.

Oregon

EPA SLN No. OR 82 0070. Rohm and Hass Company. Registration is for Kerb 50-W Herbicide, to be used on fallowed lands that will be planted back in the following year with winter wheat,

barley, or oats to control winter annual grasses and volunteer grains. November 16, 1982.

EPA SLN No. OR 82 0071. Occidental Chemical Co. Registration is for Snail and Slug Bait M, to be used on fallow lands to control slugs and snails. November 12, 1982.

Texas

EPA SLN No. TX 82 0060. Chevron Chemical Co. Registration is for Orthocide 50 W, to be used on spinach to control downy mildew. (CUP). November 18, 1982.

Virginia

EPA SLN No. VA 82 0031. Virginia Division of Forestry. Registration is for Zinc Phosphide 2%, to be used on pine plantations to control voles. November 1, 1982.

EPA SLN No. VA 82 0032. Virginia Division of Forestry. Registration is for Chlorophacinone-Liphadione .005% A/I, to be used on pine plantations to control voles. November 1, 1982.

Washington

EPA SLN No. WA 82 0066. PureGro Co. Registration is for PureGro Dinoseb-5, to be used on alfalfa, trefoil, and clover grown for seed only to control weeds. November 24, 1982.

EPA SLN No. WA 82 0067. Rohm and Hass Co. Registration is for Kerb 50-W Herbicide, to be used on fallow lands rotated to winter wheat, barley, or oats to control weeds. November 16, 1982.

EPA SLN No. WA 82 0068. Dow Chemical U.S.A. Registration is for Tordon 22K Weed Killer, to be used on rangelands and permanent grass pastures to control weeds. November 18, 1982.

EPA SLN No. WA 82 0069. Shell Chemical Co. Registration is for D-D Soil Fumigant, to be used on white potatoes to control nematodes, especially Columbia root-knot nematodes. (CUP). November 17, 1982.

EPA SLN No. WA 82 0070. Oregon Rodent Control Outfitters. Registration is for Orco Field Mouse Bait, to be used on newly planted seedlings to control field mice. November 17, 1982.

EPA SLN No. WA 82 0071. Pennwalt Corp. Registration is for Tricarbamix ZN Fungicide, to be used on apples to control bull's eye rot. (CUP). November 18, 1982.

EPA SLN No. WA 82 0072. Aceto Agricultural Chemicals Corp. Registration is for Aceto Simazine 80W Herbicide, to be used on cabbage grown for seed to control annual weeds, chickweed, groundsel, smartweed, prostrate knotweed, wild buckwheat,

annual bluegrass, and pineappleweed. (CUP). November 19, 1982.

EPA SLN No. WA 82 0073. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Parathion 8 FL, to be used on cranberries to control raspberry crown borers. November 20, 1982.

Dated: April 8, 1983.

James W. Akerman,

Acting Director, Registration Division.

[FR Doc. 83-0927 Filed 4-19-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It

April 13, 1983.

Working Group C: Available U.S. Options & Strategies.

Chairman: P. G. Ackerman (213) 648-4134.

Date: Wednesday, April 20, 1983.

Time: 2:00-4:00 p.m.

Location: Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Room 3282, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-10409 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It

April 13, 1983.

Task Group A-2 of Working Group A: Facilities & Technology.

Chairman: Jeffrey Binckes (202) 863-8864.

Date: Tuesday, May 10, 1983.

Time: 9:30 a.m.-2:00 p.m.

Location: Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Room 2169, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-10408 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee Long Range Planning Committee; Meeting

Pursuant to the provisions of the Pub. L. 92-463, announcement is made of a public meeting of the Long Range Planning Committee of the National Industry Advisory Committee (NIAC) to be held on Wednesday, May 4, 1983. The Committee will meet at the National Association of Broadcasters, located at 1771 N Street, NW., Washington, D.C. at 9:30 a.m.

Purpose: To consider emergency communications matters

Agenda: As follows:

1. Opening remarks
2. Report of the NIAC Common Carrier Communications Subcommittee
3. Report of the NIAC Radio Communications Subcommittee
4. Discussion and presentations concerning the Emergency Broadcast System
 - How it works
 - Current problems
 - Future issues
5. Other business
6. Adjournment

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634-1549.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-10410 Filed 4-19-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities; First Chicago Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically and questions of a fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Chicago Corporation*, Chicago, Illinois (trust activities; Illinois, Arizona, Florida): To engage, through its existing subsidiary, First Chicago Trust Company of Arizona, in performing or carrying on any one or more of the functions of activities that may be performed or carried on by a trust company (including activities of a fiduciary, agency or custodial nature) from a new (additional) office of the subsidiary located in Sun City, Arizona. This office will service Sun City and the surrounding area. Comments on this application must be received not later than May 11, 1983.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation*, ("Northwest"), Minneapolis, Minnesota (financing and insurance activities; Ohio): To continue to engage, through its subsidiaries, Dial Finance Company of Ohio ("Dial Finance/Ohio") and Dial Finance Company of Ohio No. 1, Inc. ("Dial Finance/Ohio No. 1"), in the activities of sales and consumer finance, and in the sale of credit life, credit accident and health, and property and casualty insurance, directly related to extensions of credit by said subsidiaries; and to engage *de novo*, through these subsidiaries, in the activity of commercial finance. Dial Finance/Ohio and Dial Finance/Ohio No. 1 engaged in consumer and sales finance and in the

above credit-related insurance activities in California at the time of their acquisition by Northwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation within the same city of an existing office in Warren, Ohio; and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Additionally, by this application, First Dial, Inc., also a subsidiary of Northwest, proposes to engage *de novo* in the aforementioned activities at this same office. Upon relocation, this office will serve Warren, Ohio. Comments on this application must be received not later than May 10, 1983.

2. *Northwest Bancorporation* ("Northwest"), Minneapolis, Minnesota (financing and insurance activities; Colorado): To continue to engage, through its subsidiary, Dial Finance Company of Colorado ("Dial Finance/Colorado"), in the activities of consumer and sales finance, and in the sale of credit life, and credit accident and health, insurance, directly related to extensions of credit by said subsidiary; and to engage *de novo*, through its Dial Finance/Colorado subsidiary, in the activity of commercial finance. Dial Finance/Colorado engaged in consumer and sales finance and in the above credit-related insurance activities in California at the time of its acquisition by Northwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation of an existing office in Denver, Colorado, to Arvada, Colorado and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Arvada, Colorado, other nearby suburbs of Denver, Colorado, and the City of Denver. Comments on this application must be received not later than May 4, 1983.

3. *Northwest Bancorporation* ("Northwest"), Minneapolis, Minnesota (financing and insurance activities; Oklahoma): To continue to engage, through its subsidiary, Dial Finance Company of Oklahoma Inc. ("Dial Finance/Oklahoma"), in the activities of consumer and sales finance and in the sale of credit life, credit accident and health, and property and casualty

insurance, directly related to extensions of credit by said subsidiary, and to engage *de novo*, through its Dial Finance/Oklahoma subsidiary, in the activity of commercial finance. Dial Finance/Oklahoma engaged in consumer and sales finance and in the above credit-related insurance activities in Oklahoma at the time of its acquisition by Northwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation within the same city of an existing office in Oklahoma City, Oklahoma, and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Oklahoma City, Oklahoma. Comments on this application must be received not later than May 10, 1983.

4. *Northwest Bancorporation* ("Northwest"), Minneapolis, Minnesota (financing and insurance activities; Alabama): To continue to engage, through its subsidiary, Dial Finance Company of Alabama ("Dial Finance/Alabama"), in the activities of consumer and sales finance, and in the sale of credit life, credit accident and health, and property and casualty insurance, directly related to extensions of credit by said subsidiary; and to engage *de novo*, through its Dial Finance/Alabama subsidiary, in the activity of commercial finance. Dial Finance/Alabama engaged in consumer finance and the above credit-related insurance activities in Alabama at the time of its acquisition by Northwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. This application is for the relocation within the same city of an office in Florence, Alabama; and requests permission to engage *de novo* in the activity of commercial finance, as relocated. Upon relocation, this office will serve Florence, Alabama. Comments on this application must be received not later than May 10, 1983.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Omnibancorp*, Denver, Colorado (insurance underwriting activities; Colorado): To act as underwriter for credit life and credit accident and health

insurance policies directly related to extensions of credit sold by its bank subsidiaries, Omnibank Louisville, Louisville, Colorado, Omnibank University Hills, N.A., Denver, Colorado, and Omnibank Parker Road, N.A., Aurora, Colorado. This activity will be conducted in the State of Colorado. Comments on this application must be received not later than May 12, 1983.

D. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *CVB Financial Corp.* Chino, California (trust activities; California): To engage *de novo* directly or indirectly in acting as a trustee under deeds of trust, through acquisition of Community Trust Deed Services, San Bernardino, California. The area to be served is the State of California. Comments on this application must be received not later than May 4, 1983.

2. *First Security Corporation*, Salt Lake City, Utah (mortgage banking activities; Texas): To engage through its existing subsidiary, Utah Mortgage Loan Corporation, in making or acquiring loans and other extensions of credit such as would be made by a mortgage banking company, including making both residential and commercial mortgage loans for its own portfolio and for sale to others, and the servicing of such loans for others. These activities would be conducted from an office in San Antonio, Texas. This office will serve San Antonio and all of Bexar County, Texas. Comments on this application must be received not later than May 9, 1983.

3. *First Security Corporation*, Salt Lake City, Utah (mortgage banking activities; Texas): To engage through its existing subsidiary, Utah Mortgage Loan Corporation, in making or acquiring loans and other extensions of credit such as would be made by a mortgage banking company, including making both residential and commercial mortgage loans for its own portfolio and for sale to others, and the servicing of such loans for others. These activities would be conducted from an office in Austin, Texas. This office will serve Travis, Caldwell, Bastrop, Hays and Williamson Counties, Texas. Comments on this application must be received not later than May 9, 1983.

4. *First Security Corporation*, Salt Lake City, Utah (mortgage banking activities; Colorado): To engage through its existing subsidiary, Utah Mortgage Loan Corporation, in making or acquiring loans and other extensions of credit such as would be made by a mortgage banking company, including making both residential and commercial

mortgage loans for its own portfolio and for sale to others, and the servicing of such loans for others. These activities would be conducted from an office in Colorado Springs, Colorado. This office will serve El Paso, Fremont, Pueblo, Crowley and Lincoln Counties, Colorado. Comments on this application must be received not later than May 9, 1983.

5. *First Security Corporation*, Salt Lake City, Utah (mortgage banking activities; Utah): To engage through its existing subsidiary, Utah Mortgage Loan Corporation, in making or acquiring loans and other extensions of credit such as would be made by a mortgage banking company, including making both residential and commercial mortgage loans for its own portfolio and for sale to others, and the servicing of such loans for others. These activities would be conducted from an office in Roy, Utah. This office will serve Davis and Weber Counties, Utah. Comments on this application must be received not later than May 9, 1983.

6. *The Wilshire Bancorporation*, Los Angeles, California (investment or financial advisor, management consulting activities; California): To engage directly in conducting interest rate sensitivity analyses on behalf of subscribers, furnishing pro-forma policies, procedures, and internal controls to subscribing financial institutions and non-bank depository institutions. Applicant also proposes to engage from time to time in providing consulting to subscribers on topics generally encompassing effects on interest rate sensitivity on earnings, traditional methods of adjusting asset-liability interest rate sensitivity on earnings, traditional methods of adjusting asset-liability interest rate sensitivity mismatches, and regulated means of interest income protection. These activities would be conducted from an office in Los Angeles, California, serving the State of California. Comments on this application must be received not later than May 13, 1983.

Board of Governors of the Federal Reserve System, April 14, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10414 Filed 4-19-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Martinus Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)

(1) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Martinius Corporation*, Rogers, Minnesota; to become a bank holding company by acquiring 91.1 percent of the voting shares of State Bank of Rogers, Rogers, Minnesota. Comments on this application must be received not later than May 12, 1983.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Union of Texas Bancshares, Inc.*, Houston, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Union Bank of Houston, Houston, Texas. Comments on this application must be received not later than May 13, 1983.

C. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Dartmouth National Corporation*, Hanover, New Hampshire; to become a bank holding company by acquiring 100 percent of the voting shares of Dartmouth National Bank of Hanover, Hanover, New Hampshire. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. Comments on this application must be received not later than May 4, 1983.

Board of Governors of the Federal Reserve System, April 14, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-10413 Filed 4-19-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Immigration and Nationality Act; Delegation of Authority

Notice is hereby given that in furtherance of the March 4, 1983 delegations from the Assistant Secretary for Health to the Administrator, Health Resources and Services Administration (HRSA), of the authorities under Section 5(e) of the Immigration and Nationality Act Amendments of 1981, Pub. L. 97-116 (8 U.S.C. 1101 note), and Sections 212(a)(32) and 212(j) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), as amended, the Administrator has delegated all of the authorities under Section 5(e) and Sections 212(a) and 212(j) to the Director, Bureau of Health Professions, with authority to redelegate.

The May 13, 1981 delegation (HRA Delegation No. 43, Revised) made by the Administrator, Health Resources Administration, to the Director, Bureau of Health Professions, of authorities pertaining to Sections 212(a)(32) and 212(j) of the Immigration and Nationality Act has been superseded.

Provision was made for previous delegations and redelegations of authorities made to HRSA officials under Sections 212(a)(32) and 212(j) to continue in effect for no more than 90 days from March 4, 1983, provided they are consistent with this delegation.

This delegation was effective on April 9, 1983.

Robert Graham,

Administrator, Health Resources and Services Administration.

[FR Doc. 83-10415 Filed 4-19-83; 8:45 am]

BILLING CODE 4160-16-M

Social Security Administration

Privacy Act of 1974; Report of New Matching Program

AGENCY: Social Security Administration, Health and Human Services Department.

ACTION: Notice of a Matching Program—Social Security Administration (SSA)/Department of Labor (DOL).

SUMMARY: SSA is issuing public notice of its intent to conduct a matching program with DOL. SSA, Office of System Requirements, will perform the match using certain data provided by DOL. The matching program will be an interface between an extract from DOL's Office of Worker's Compensation

Programs Black Lung Claimant Information File (Federal Register, dated July 13, 1982, page 30365) and SSA's Master Beneficiary Record (MBR) (Federal Register, dated October 13, 1982, pages 45626-45628). The purpose of the match is to detect and/or prevent overpayments of SSA benefits.

DATE: Data exchange will begin in fiscal year 1983 and, unless comments are received which will result in a contrary determination, will recur periodically.

ADDRESS: Interested individuals may comment on this proposal by writing to the Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at 3-F-1 Operations Building at the above address.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Bowings, Chief, Disability Systems Branch, Office of System Requirements, 3-M-11 Operations Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, area code (301) 594-8818.

SUPPLEMENTARY INFORMATION: The matching program which SSA will conduct will be a computerized interface between an extract from DOL's Office of Worker's Compensation Programs Black Lung Claimant Information File (Federal Register, dated July 13, 1982, page 30365) and SSA's MBR (Federal Register, dated October 13, 1982, pages 45626-45628). The purpose of the match is to detect and/or prevent overpayments of SSA benefits. DOL pays Part C Black Lung benefits to individuals who may also receive title II disability benefits. Part C payments come within the purview of section 224 of the Social Security Act and must be considered the same as other workmen's compensation payments in applying an offset to Social Security benefits. Since SSA offsets the beneficiary's disability benefits by the amount of the Part C Black Lung benefit, SSA will conduct a matching operation with DOL to detect and/or prevent overpayments of SSA benefits.

Presently, Black Lung Part C data are obtained through voluntary reporting by beneficiaries. Very often, beneficiaries claim to be unaware of the need to report initial receipt of, or changes in, Part C Black Lung benefits. SSA is, therefore, unable to make a timely and proper offset of benefits, thus creating an overpayment. Obtaining Part C Black Lung benefit data through a matching operation with DOL will permit timely, proper payment of disability benefits and detect and/or prevent overpayments.

Further information regarding the matching program including the authority for the program, a description of the program, the personal records to be matched, the dates of the program, security safeguards, and plans for disposition of the records are provided in the text below. This information is required by paragraph 5.f.1. of the Revised Supplemental Guidance for Conducting Matching Programs (Federal Register, May 19, 1982, pages 21657-21658). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Dated: April 13, 1983.

John A. Svahn,

Commissioner of Social Security.

Report of a Matching Program Social Security Administration Matching with Department of Labor Records

a. *Authority:* Section 224 of the Social Security Act.

b. *Description of Matching Program:*

1. *Organizations Involved:* The Social Security Administration (SSA) and the Department of Labor (DOL) are the involved components.

2. *Purpose:* DOL pays Part C Black Lung benefits to individuals who may also receive title II disability benefits. Part C payments come within the purview of section 224 of the Social Security Act and must be considered the same as other worker's compensation payments in applying an offset to Social Security benefits. Since SSA offsets the beneficiary's disability benefit by the amount of Part C Black Lung benefit, SSA will conduct a matching operation with DOL to prevent and/or detect overpayments. Presently, Black Lung Part C DOL data are obtained through voluntary reporting by beneficiaries. Very often, beneficiaries claim to be unaware of the need to report changes in the amount or initial receipt of Part C Black Lung benefits. Obtaining Part C Black Lung benefit data through a matching operation with DOL will give SSA relevant information earlier and permit more timely action to detect and prevent overpayments of SSA benefits.

3. *Procedures:* DOL will furnish SSA an extract file containing: Social Security number, name, current benefit amount data, effective date, date of birth, date of entitlement, and payment status of all Part C beneficiaries. This file will be processed against SSA's record of all title II beneficiaries. For those records matched, action will be taken to assure disability benefits are offset appropriately. SSA will make no subsequent contacts as part of this

matching program with DOL after DOL furnishes the extract file, except in specific cases where there is an inconsistency.

c. *Records to be Matched:* SSA will match the Master Beneficiary Record (MBR) (HHS/SSA/OURV 09-60-0090, Federal Register dated October 13, 1982, pages 45626-45628), which contains all data pertinent to the payment of Social Security recipients, with an extract from DOL, Office of Worker's Compensation Programs Black Lung Claimant Information File (DOL/ESA-8, Federal Register dated July 13, 1982, page 30365).

d. *Projected Starting and Ending Dates:* The match will begin in fiscal year 1983 and will be a continuing process except that subsequent files from DOL will contain only changes on previously reported individuals and additions of newly entitled Black Lung recipients.

e. *Security Safeguards:* Security safeguards pertaining to the MBR as reflected in the Federal Register dated October 13, 1982, pages 45626-45628, will apply. All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. The same safeguards will apply to DOL tapes while they are in the possession of SSA. All microfilm and paper files are accessible only by authorized personnel with a need to know.

f. *Disposition of Records:* Data received will be returned to DOL after the matching operation. Information regarding "hits" will be incorporated into the MBR as necessary.

g. *Other Comments:* For those records matched, SSA will take proper action to assure that disability benefits are offset appropriately.

[FR Doc. 83-10433 Filed 4-19-83; 8:45 a.m.]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 834]

California; Filing of Plat of Survey

April 11, 1983

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Humboldt Meridian

T. 8 N., R. 1 W.

2. This plat, representing the meanders of the exterior boundaries of lots 4 and 6, and the survey of Lots 4, 5,

and 6 (former Lot 37), of section 26, T. 8 N., R. 1 W., Humboldt Meridian, under Group No. 834, California was accepted March 29, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-10424 Filed 4-19-83; 8:45 a.m.]

BILLING CODE 4310-84-M

[Group 756]

California; Filing of Plat of Survey

April 11, 1983

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 19 N., R. 11 W.

2. This plat, representing the dependent survey of the south and west boundaries and portions of the north and east boundaries and subdivisional lines, of T. 19 N., R. 11 W., Mount Diablo Meridian, under Group No. 756, California, was accepted March 24, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of U.S. Department of Agriculture Forest Service, and this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-10425 Filed 4-19-83; 8:45 a.m.]

BILLING CODE 4310-84-M

[Group 776]

California; Filing of Plat of Survey

April 11, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 19 N., R. 10 W.

2. This plat, representing the dependent resurvey of a portion of the south boundary and subdivisional lines, and survey of the subdivision of section 18, T. 19 N., R. 10 W., Mount Diablo Meridian, under Group No. 776, California, was accepted March 24, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of U.S. Department of Agriculture Forest Service, and the Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-10426 Filed 4-19-83; 8:45 a.m.]

BILLING CODE 4310-84-M

[Group 802]

California; Filing of Plat of Survey

April 11, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 33 N., R. 8 W.

2. This plat, representing the dependent resurvey of the Henry Clay Gold Quartz Mine, Lot 40, Mineral Survey No. 1966, located in section 11, T. 33 N., R. 8 W., Mount Diablo Meridian, under Group No. 802, California, was accepted March 24, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-10427 Filed 4-19-83; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Advisory Council; Meeting

SUMMARY: The Carson City District Advisory Council will meet in Hawthorne, Nevada, at 7:00 p.m., May 20, 1983, in the El Capitan Lodge.

SUPPLEMENTARY INFORMATION: The agenda will include a presentation on mineral resources management. The meeting is open to the public, and the public may appear before the Council at 8:30 p.m. After the meeting the Council will take a tour of a nearby mining operation on May 21.

FOR FURTHER INFORMATION CONTACT: Steve Weiss, Public Affairs Officer, 1050 E. William St., Suite 335, Carson City, NV 89701, (702) 882-1031.

Dated: April 8, 1983.

James W. Elliott,

Acting District Manager.

[FR Doc. 83-10417 Filed 4-19-83; 8:45 am]

BILLING CODE 4310-84-M

Wilderness Recommendations; California; Hearing

AGENCY: USDI, Bureau of Land Management, Interior.

ACTION: Notice of Public Hearing: Preliminary Wilderness Recommendations for the Alturas Resource Area, Susanville District and Redding Resource Area, Ukiah District, California.

SUMMARY: Pursuant to Section 202(f) and 603(a) of the Federal Land Policy Management Act of 1976 and Section 102(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared draft environmental impact statements (EIS) concerning preliminary wilderness recommendations for the Alturas Resource Area, Susanville District and the Redding Resource Area of the Ukiah District, California.

The preferred alternative is to designate a portion (5,880 acres) of Pit River Wilderness Study Area (WSA) CA-020-103 as suitable with the remainder (5,695 acres) as unsuitable.

The Tule Mountain WSA CA-020-211 (16,950 acres); the Timbered Crater WSA CA-030-201 (18,690 acres) and the Lava WSA CA-030-203 (11,832 acres) are recommended as unsuitable for inclusion in the National Wilderness Preservation System. The Pit River and Tule Mountain WSA's are included in the Alturas Resource Management Plan (RMP) EIS which had four alternatives: All Wilderness, Preferred Alternative, No Wilderness, and No action. The Timbered Crater and Lava WSA's are included in the North Central California Wilderness, Study Area Draft EIS. The alternatives considered were: All Wilderness, Partial Wilderness, Multiple Use Limited, Multiple Use Intensive, and No Action.

DATE: A joint public hearing on both the Alturas RMP/EIS WSA's and the North Central California Wilderness EIS WSA's will be held from 7:30 p.m. to 9:30 p.m. on May 23, 1983, at the Lion's Hall Highway 299, McArthur, California. All interested persons are invited to attend and present their views on two points: (a) the suitability or unsuitability of the areas for wilderness designation, and (b) the draft EIS's.

Comments on the draft environmental impact statements are being solicited from public agencies and interested individuals and organizations. The Bureau of Land Management invites written comments on the Draft Alturas RMP/EIS (Pit River and Tule Mountain WSA's) to be received by July 14, 1983. Comments should be addressed to: Area Manager, Alturas Resource Area, Bureau of Land Management, P. O. Box 771, Alturas, California 96101. Telephone (916) 233-4666. Comments on the Draft North Central California Wilderness Study Area EIS (Timbered Crater and Lava WSA's) are to be received by July 30, 1983. Comments should be addressed to: Area Manager, Redding Resource Area, 3555 Hemsted Drive, Redding, California 96001. Telephone (916) 246-5325.

ADDRESSES: A limited number of copies of the draft environmental impact statements are available at the Alturas and Redding Resource Area Offices and at the following locations:

Alturas RMP/EIS

Susanville District Office, Bureau of Land Management, P. O. Box 1090, 705 Hall Street, Susanville, California 96130. Telephone (916) 257-5381

North Central California Wilderness Study EIS

Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482

Alturas RMP/EIS and North Central California WSA EIS

California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4541
Washington Office Bureau of Land Management, Interior Building 18th and C Street NW., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT:

Alturas RMP/EIS

Richard Drehoel, Alturas Resource Area manager, P. O. Box 771, Alturas, California 96101. Telephone (916) 233-4666

North Central California WSA EIS

Robert C. Korfhage, Chief, Branch of Lands and Resources, 355 Hemsted Drive, Redding, California 96001, Telephone (916) 246-5325

Ben F. Collins,

Acting Susanville District Manager.

[FR Doc. 83-10418 Filed 4-19-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Intent To Prepare an Environmental Impact Statement for the Comprehensive Conservation Plan for Kodiak National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises to public that the Service intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) and a comprehensive conservation plan for the Kodiak National Wildlife Refuge in southcentral Alaska. Public meetings regarding preparation of this plan and the EIS also will be held. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

DATES: Written comments should be received by July 7, 1983. Public meetings regarding the Kodiak National Wildlife Refuge plan and EIS will be held at:
Kodiak—East Elementary School Multi-purpose Room 7:30 pm, May 7, 1983.

Achorage—Central Junior High School Multi-purpose Room 7:30 pm June 7, 1983.

In addition, public meetings will be held at Old Harbor, Akhiok, Larsen Bay, and Karluk during the period May 18-May 24, weather permitting.

ADDRESSES: Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Mike Evans, Public Affairs Specialist, Refuge Planning, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

SUPPLEMENTARY INFORMATION: This comprehensive conservation plan is being prepared to fulfill requirements of the Alaska National Interest and Conservation Act of 1980, section 304 g. The environmental review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council of Environmental Quality Regulations (40 CFR Parts 1500-1508), other appropriate Federal regulations, and FWS procedures for compliance with those regulations.

We estimate the Draft Environmental Impact Statement and plan will be made available to the public by October 1984.

Dated: April 12, 1983.
Le Roy W. Sowl,
Acting Regional Director.
[FR Doc. 83-10534 Filed 4-19-83; 8:45 am]
BILLING CODE 4310-55-M

Minerals Management Service

Outer Continental Shelf (OCS), Oil and Gas Information Program; Availability of "Arctic Summary Report—January 1983"

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Availability.

SUMMARY: A revision to the initial "Arctic Summary Report—October 1981" has been published in accordance with the OCS Lands Act Amendments of 1978 and 30 CFR 252.4. The report is a synthesis of recent data concerning OCS leasing activities, including current oil and gas resource estimates, magnitude and timing of offshore development, oil and gas transportation strategies, facilities and impacts.

An update to "Arctic Summary Report—January 1983" is expected to be published September 1983 by the Minerals Management Service.

EFFECTIVE DATE: The report will be available in May 1983.

ADDRESS: Copies of the reports may be obtained from the OCS Information Program, Minerals Management Service,

12203 Sunrise Valley Drive, MS 640, Reston, VA 22092

FOR FURTHER INFORMATION CONTACT: David A. Nystrom, OCS Information Program, Minerals Management Service, 12203 Sunrise Valley Drive, MS 640, Reston VA 22092 (703) 860-7166

Dated: April 11, 1983.
Robert L. Rioux,
Associate Director for Offshore Minerals Management.
[FR Doc. 83-10490 Filed 4-19-83; 8:45 am]
BILLING CODE 4310-MR-M

Outer Continental Shelf (OCS), Oil and Gas Information Program; Availability of "Mid-Atlantic Summary Report 2," "Gulf of Mexico Summary Report 3," and "Pacific Summary Report—December 1982"

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability.

SUMMARY: A revision to the initial "Mid-Atlantic Summary Report—November 1979," a second revision of the initial "Gulf of Mexico Summary Report—September 1980," and a second revision to the initial "Pacific Summary Report—May 1980" have been published in accordance with the OCS Lands Act Amendments of 1978 and 30 CFR 252.4. The reports are syntheses of recent data concerning OCS leasing activities, including current oil and gas resource estimates, magnitude and timing of offshore development, oil and gas transportation strategies, and nature and location of nearshore and onshore facilities.

The next revision of the "Mid-Atlantic Summary Report" is tentatively scheduled for October 1983. The next revisions of the "Gulf of Mexico Summary Report" and the "Pacific Summary Report" are expected to be published in August and September, 1983, respectively. Updated reports for the North Atlantic and South Atlantic OCS planning areas are expected to be published in April 1983, by the Minerals Management Service.

EFFECTIVE DATE: The report is available immediately.

ADDRESSES: Copies of the reports may be obtained from the OCS Information Program, Minerals Management Service, 12203 Sunrise Valley Drive, MS 640, Reston, VA 22092.

FOR FURTHER INFORMATION CONTACT: David A. Nystrom, OCS Information Program, Minerals Management Service, 12203 Sunrise Valley Drive, MS 640, Reston, VA 22092 (703) 860-7166.

Dated: April 11, 1983.
Robert L. Rioux,
Associate Director for Offshore Minerals Management.
[FR Doc. 83-10491 Filed 4-19-83; 8:45 am]
BILLING CODE 4310-MR-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Atlantic Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OSC mineral exploration proposals on the Atlantic OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Environmental Assessments (EA's) and Findings Of No Significant Impact (FONSI's) prepared by the MMS for the following oil and gas exploration activities proposed on the Atlantic OCS. This listing includes all proposals for lease operations for which environmental documents were prepared by the Atlantic OCS Region in the 3-month period preceding this Notice.

Operator/activity	Location	FONSI date
Shell/exploration plan.	OCS lease No. A 0337, block 587, protraction diagram No. NJ 18-6 (98 miles southeast of Atlantic City, N.J.).	Jan. 28, 1983.

Persons interested in reviewing environmental documents for the proposal listed above or obtaining information about EA's and FONSI's prepared for activities on the Atlantic OCS are encouraged to contact the appropriate offices in the Atlantic OCS Region.

FOR FURTHER INFORMATION CONTACT: Regional Supervisor, Field Operations, Atlantic OCS Region, Minerals Management Service, Suite 601, 1951, Kidwell Drive, Vienna, Virginia 22180, (703) 285-2169, FTS-8-285-2169. For copies contact: Records Management Section, Minerals Management Service, Suite 601, 1951 Kidwell Drive, Vienna, Virginia 22180, (703) 285-2191, FTS-8-285-2191. The total cost of providing reproductions of the EA and related Exploration Plan and Environmental Report is \$28.00. Check or money order should be made payable to the Minerals

Management Service—Department of the Interior.

SUPPLEMENTARY INFORMATION: The MMS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Atlantic OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This Notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Dated: April 8, 1983.

Donald P. Truesdell,
Acting Regional Manager, Atlantic OCS Region.

[FR Doc. 83-9985 Filed 4-19-83; 8:45 am]
BILLING CODE 4310-MR-M

Office of the Secretary

Arizona; Amendment of Wilderness Inventory Decision

AGENCY: Interior Department.

ACTION: Amendment of Wilderness Inventory Decision.

SUMMARY: This notice designates one area totaling 2,065 acres for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA).

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Arizona State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, telephone (602) 261-3873.

Amendment of Wilderness Inventory Decisions

This notice continues action necessary with respect to Bureau of Land Management (BLM) wilderness study areas in Arizona to bring the BLM wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. Previous action on this subject was published in the Federal Register on December 30, 1982 (47 FR 58372).

The following area has been designated for wilderness consideration pursuant to Section 202 of FLPMA. This area was formerly identified as a wilderness study area under Section 603 of FLPMA, but it was eliminated from that category on December 30, 1982.

Area Name: Baboquivari Peak
Number: AZ-020-203B
Acreage: 2,065
County: Pima

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

Dated: April 12, 1983.

Garrey E. Carruthers,
Assistant Secretary.

[FR Doc. 83-10411 Filed 4-9-83; 8:45 am]
BILLING CODE 4310-84-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-143]

Certain Amorphous Metal Alloys and Amorphous Metal Articles; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: April 11, 1983.

[FR Doc. 83-10497 Filed 4-19-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-144]

Certain Direct Current Brushless Axial Flow Fans; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: April 11, 1983.

[FR Doc. 83-10498 Filed 4-19-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-145]

Certain Rotary Wheel Printers; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 16, 1983, under section 337 of the Tariff Act of 1930, as amended, (19 U.S.C. 1337), on behalf of Qume Corporation, 2530 Qume Drive, San Jose, California 95131. The complaint alleges unfair methods of competition and unfair acts in the importation into the United States of certain rotary wheel printers, or in their sale, by reason of alleged infringement of claims 1, 8 and 11 of U.S. Letters Patent No. 4,118,129. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complaint requests the Commission to institute an investigation and, after a full investigation, to issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission on April 13, 1983, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation into the United States of certain rotary wheel printers, or their sale, by reason of alleged infringement of claims 1, 8 and 11 of U.S. Letters Patent No. 4,118,129, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Qume Corporation, 2530 Qume Drive, San Jose, California 95131.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is served:

Nippon Electric Co., Ltd., 33-1, Shiba, Gochome, Minato-ku, Tokyo, 108, Japan

Tokyo Electric Co., Ltd., 14-10, 1-chome, Uchikanda, Chiyoda-ku, Tokyo 101, Japan

C. Itoh & Co., Ltd., 5-2, Kita-Aoyama 2-chome, Minato-ku, Tokyo 107, Japan
 Ricoh Company, Ltd., 15-5, Minami-Aoyama 1-chome, Minato-ku, Tokyo 107, Japan

Fujitsu Limited, 6-1, Marunouchi 2-chome, Chiyoda-ku, Tokyo 100, Japan
 Daisy Systems Holland B.V., Nieuweweg 279, Postbus 125, 6600 AC Wijchen, The Netherlands

(c) Oreste Russ Pirfo, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 126, Washington, D.C. 20436, shall be the Commission investigative attorney, a party of this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 201.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Room 156, Washington, D.C. 20436, Phone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Oreste Russ Pirfo, Esq., Unfair Import Investigations Division, Room 126, U.S. International Trade Commission, telephone 202-523-4693.

By order of the Commission.

Issued: April 15, 1983.

Kenneth R. Mason,
 Secretary.

[FR Doc. 83-10499 Filed 4-19-83; 8:45 am]

BILLING CODE 7020-02-M

[332-149]

Competitive Assessment of the U.S. Metalworking Machine Tool Industry.

AGENCY: International Trade Commission.

ACTION: The Commission will hold a public hearing for the purpose of affording all interested parties an opportunity to present views on the competitive position of the U.S. metalworking machine tool industry. The initial notice of the investigation indicating the scope of the study, contact persons, and other related information was published in the *Federal Register* of December 8, 1982 (47 FR 55343); notice of the Commission's extension of the deadline for the filing of written submissions from interested parties was published in the *Federal Register* of February 15, 1983 (48 FR 6793).

Public Hearing: A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on June 28, 1983, to be continued on June 29, 1983, if required. All persons shall have the right to appear by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than June 21, 1983.

Written Submissions: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation by June 25, 1983. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: April 11, 1983.

Kenneth R. Mason,
 Secretary.

[FR Doc. 83-10499 Filed 4-19-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-103 (Final)]

Cotton Shop Towels From the People's Republic of China; Antidumping Investigation

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: April 14, 1983.

SUMMARY: As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from the People's Republic of China (China) of shop towels of cotton, provided for in item 366.2740 of the Tariff Schedules of the United States Annotated, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-103 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. The Department of Commerce has notified us that the investigation will be extended, and that it will make its final dumping determination in the case on or before August 10, 1983. The Commission will make its final injury determination by September 23, 1983 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Ms. Marilyn C. Borsari (202-523-5703), Office of Industries, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION: *Background.*—On October 8, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was threatened with material injury by reason of imports of cotton shop towels from China which are alleged to be sold at LTFV. The preliminary investigation was instituted in response to a petition

filed on August 24, 1982, by counsel of Milliken and Company.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the *Federal Register*. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on August 5, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m., on August 18, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on August 5, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on August 9, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is August 15, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not

available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on August 25, 1983.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before August 25, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules and Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: April 15, 1983.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-10495 Filed 4-19-83; 8:45 am]

BILLING CODE 7020-02-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-125 and 126 (Preliminary)]

Potassium Permanganate From the People's Republic of China and Spain

Determinations

On the basis of the record¹ developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured,² by reason of imports from the People's Republic of China (China) and Spain of potassium permanganate, provided for in item 420.28 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On February 22, 1983, counsel for Carus Chemical Co. filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is materially injured or is threatened with material injury, by reason of imports from China and Spain of potassium permanganate which are allegedly being sold at LTFV. Accordingly, effective February 22, 1983, the Commission instituted preliminary antidumping investigations under section 733(a) of the Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the *Federal Register* on March 3, 1983 (48 FR 9091). The conference was held in Washington, D.C. on March 21, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

¹ The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

² Commissioner Stern determines that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of the subject imports.

The Commission transmitted its report on the investigations to the Secretary of Commerce on April 8, 1983. A public version of the Commission's report, *Potassium Permanganate from the People's Republic of China and Spain* (investigations Nos. 731-TA-125 and 126 (Preliminary), USITC Publication 1369, 1983), contains the views of the Commission and information developed during the investigations.

By Order of the Commission.

Issued: April 15, 1983.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-10463 Filed 4-19-83; 8:45 am]

BILLING CODE 7020-02-M

Report to the President

April 15, 1983.

To the President:

In accordance with Executive Order 11377 of October 23, 1967 to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the *Tariff Schedules of the United States* (TSUS) (79 Stat. 948; 19 U.S.C. 1202), the U.S. International Trade Commission herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1982, the basis for that estimate, and information on U.S. consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms for 1982. For convenience, the Commission also reports corresponding data for broom corn brooms for the years 1980 and 1981 and data for competitive brooms for 1980.

Estimated Consumption of Broom Corn Brooms

In the judgment of the Commission, consumption of brooms wholly or in part of broom corn in the calendar years 1980, 1981, and 1982 was as follows:

Brooms wholly or in part of broom corn: U.S. consumption, 1980-82.

[In dozens]

Type of broom	1980 ¹	1981 ²	1982
Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive	342,414	252,335	215,656
Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive	2,061,176	1,707,309	1,811,315
Total	2,403,590	1,959,644	2,027,573

¹ As reported to the President on April 14, 1981.

² As reported to the President on March 31, 1982.

Source: Compiled from data supplied by U.S. producers and the U.S. Customs Service.

Aggregate apparent consumption of broom corn brooms amounted to 2.0 million dozen in 1982, up 3 percent from 1981. Consumption of whiskbrooms of broom corn, which accounted for 11 percent of total consumption in 1982, was down 15 percent from 1981, while consumption of other brooms of broom corn, 89 percent of total consumption in 1982, increased by 6 percent over 1981.

Basis for the Commission's Judgment With Respect to Broom Corn Brooms

The Commission estimated consumption of broom corn brooms in 1982 by the same methods it used to estimate consumption in its previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and then subtracting the quantity of exports. Data on imports were obtained from the U.S. Customs Service; data on shipments and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

Issued: April 15, 1983.

By Order of the Commission:

Kenneth R. Mason,
Secretary.

[FR Doc. 83-10464 Filed 4-19-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[OP5MCF-182]

Motor Carriers; Decision-Notice; Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 L.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be

construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: April 14, 1983.

By the Commission, Review Board No. 1,
Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,
Secretary.

MC-F-15223, filed March 31, 1983.
GELCO COURIER SERVICES, INC.,
(GELCO), (P.O. Box 1975, St. Paul, MN
55111)—PURCHASE—McBREEN
TRUCKING, INC., (McBREEN), (3641
NW. Front Ave., Portland, OR 97210).
Representatives: Sally G. Galway, P.O.
Box 1975, St. Paul, MN 55111; Lawrence
V. Smart, Jr., 419 N.W. 23rd Ave.,
Portland, OR 97210. Gelco seeks to
purchase all of the interstate operating
rights of McBreen. Gelco's noncarrier
parent, International Couriers
Corporation (ICC) also controls B.D.C.,
Ltd. (MC-150871). ICC is controlled by
Gelco Corporation (GC) which in turn
controls Brooks Transportation, Inc.
(MC-142559), Federal Freight System,
Inc. (MC-143790) and Gelco Rail Car
(MC-160442) a licensed property broker.
Gelco, and, in turn, ICC and GC, seek
authority to acquire control of
McBreen's rights through the
transaction. The interstate operating
rights being purchased are contained in
Certificate No. MC-112188 and Sub-Nos.
6, 8, 10 and 12 issued October 25, 1963,
March 17, 1964, October 26, 1965,
November 7, 1966, and May 12, 1980,
respectively, authorizing the
transportation as summarized: (A) over
regular routes, (1) films and articles
associated with the exhibition of motion
pictures, as described in Descriptions in
Motor Carrier Certificates, 61 M.C.C.
766, (a) between Portland, OR, and
LaGrande, OR, and (b) between Hood
River, OR, and White Salmon, WA, and
(2) motion picture films, theatre
advertising matter, and motion picture
machine parts and accessories, (a)
between Portland, OR, and Ashland,
OR, (b) between McMinnville, OR, and
Myrtle Point, OR, (c) between Portland,
OR, and junction Oregon Hwy 47 and
US Hwy 99W near McMinnville, OR, (d)
between Oregon City, OR, and Salem,
OR, (e) between Salem, OR, and
junction Oregon Hwy 22 and US Hwy
99W at Rickreall, OR, (f) between
Albany, OR, and Sweet Home, OR, and
(g) between Sweet Home, OR, and
Halsey, OR, serving specified immediate
points, and (B) over irregular routes, (1)
motion picture film, theatre advertising
matter, and motion picture machine
parts and accessories, (a) between
Portland, OR, on the one hand, and, on
the other, Baker and Freewater, OR, (2)
bread, pies, and pastries (a) from
Portland, OR, to Walla Walla, WA, and
points within 10 miles thereof and return
shipments, (3) blood specimens, (a) from
Vancouver, WA, and points in Oregon

to Portland, OR, (4) time-dated
magazines and advertising material
moving in connection therewith and (5)
paperback books, from Portland, OR, to
Baker, Coos Bay, Corvallis, Roseburg,
Eugene, LaGrande, Medford, Salem, The
Dalles, Klamath Falls, and Bend, OR, (6)
magazines, paperback and books,
periodicals, and printed matter, between
points in Oregon and Washington, and
(7) newspapers from Portland, OR, to
Walla Walla, WA. Gelco is presently
authorized to operate as a motor
contract and common carrier under MC-
114533 (Sub-Nos. 372, 373, and 375X) to
transport, over irregular routes,
commercial papers, documents and
written instruments as are used in
connection with the business of banking
and banking institutions between all
points in the United States; commercial
documents, business records, accounting
and audit media, automated data
processing media, and advertising
materials, between points in Oregon and
Washington; and shipments weighing
100 pounds or less, between all points in
the United States.

[FR Doc. 83-10437 Filed 4-19-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice Finance Applications

As indicated by the findings below,
the Commission has approved the
following applications filed under 49
U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from
section 11343 of the Interstate
Commerce Act, and complies with the
appropriate transfer rules.

This decision is neither a major
Federal action significantly affecting the
quality of the human environment nor a
major regulatory action under the
Energy Policy and Conservation Act of
1975.

Petitions seeking reconsideration must
be filed within 20 days from the date of
this publication. Replies must be filed
within 20 days after the final date for
filing petitions for reconsideration; any
interested person may file and serve a
reply upon the parties to the proceeding.
Petitions which do not comply with the
relevant transfer rules at 49 C.F.R. 1181.4
may be rejected.

If petitions for reconsideration are not
timely filed, and applicants satisfy the
conditions, if any, which have been
imposed, the application is granted and
they will receive an effective notice. The
notice will recite the compliance
requirements which must be met before
the transferee may commence
operations.

Applicants must comply with any
conditions set forth in the following
decision-notices within 20 days after
publication, or within any approved
extension period. Otherwise, the
decision-notice shall have no further
effect.

It is ordered:

The following applications are
approved, subject to the conditions
stated in the publication, and further
subject to the administrative
requirements stated in the effective
notice to be issued hereafter.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 2,
(202) 275-7030.

Volume No. OP2-172

By the Commission, Review Board No. 2,
Members Carleton, Williams, and Ewing.

MC-FC-81063. By decision of April 13,
1983, issued under 49 U.S.C. 10926 and
the transfer rules at 49 CFR Part 1181,
Review Board Number 2, approved the
transfer to M & J SUMMERS
TRUCKING, INC., Covington, IN, of
authority issued to AGRI CARRIERS,
INC., Covington, IN, in Certificate No.
MC-154312, authorizing the
transportation of fertilizer, anhydrous
ammonia and agricultural limestone,
between points in IL, KY, OH, and IN,
on the one hand, and, on the other,
points in Warren, Vermillion and
Fountain Counties, IN, and Vermillion
County, IL, fertilizer, between Danville,
IL, on the one hand, and on the other,
points in IN, salt, between points in IL
and MI, on the one hand, and on the
other, points in Fountain, Warren,
Vermillion, and Park Counties, IN, sand
and gravel, between points in Warren
County, IN, on the one hand, and on the
other, points in Vermillion, Champaign,
Piatt, Iroquois, and Macon Counties, IL,
steel and steel products, between
Covington, IN, on the one hand, and, on
the other, points in IL and MO,
agricultural equipment and machinery,
between points in IA, WI, MI, and ports
of entry on the international boundary
line between the U.S. and Canada, on
the one hand, and, on the other, points
in Vermillion County, IN, farm
equipment and machinery and parts and
garden tractors and parts, between
points in IA, IL, KS, WI, and ports of
entry on the international boundary line
between the U.S. and Canada, on the
one hand, and, on the other, points in
Fountain County, IN, and farm
equipment and machinery and parts and
garden tractors and parts, between
points in ND, MI, and IA, on the one
hand, and, on the other points in Warren

County, IN. Representative: Richard C. Kraege, 777 Chamber of Commerce Bldg., Indianapolis, IN, 46204. Transferee holds authority under MC-156022.

For the following, please direct status calls to Team 3 at 202-5223.

Volume No. OP3-MCFC-160

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC 81353. By decision of April 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to FLEMING TRANSPORTATION SERVICE, INC., Oklahoma City, OK 73126, of Permit No. MC-144624, issued May 15, 1979, to AMERICAN STREVELL TRANSPORT, INC., Salt Lake City, UT 84126, authorizing the transportation of building equipment and supplies and such commodities as are used by or dealt in by wholesale or retail department, grocery and hardware stores and warehouses (except commodities in bulk, in tank vehicles and except machinery and uncrated store fixtures moving from Rockdale County, GA, and Marshall, MI), (1) from points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, to points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY; and (2) between AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, under continuing contract(s) with American Strevel, Inc., of Salt Lake City, UT. Transferee holds authority from the Commission under MC-157336. Applicant's Representative: Colin Barrett, 11764 Indian Ridge Road, Reston, VA 22091. (703) 860-8521.

Volume No. OP3-MCFC-161

Decided: April 8, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC-FC 81258. By Decision of 4-8-83 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to EDWARD LYNDE & JOSEPH LYNDE, DOING BUSINESS AS LLL TRUCKING, Jordan Valley, OR 97910, of Certificate Nos. MC-141695 Sub 6, issued June 15, 1978, MC-141695 Sub 7, issued August 11, 1981, and MC-141695 Sub 8, issued December 4, 1981, to JORDAN VALLEY TRUCKING CO., INC., of Jordan Valley, OR 97910, authorizing the transportation of (1) general commodities with exceptions, over regular and irregular routes, and (2)

commodities in bulk, with exceptions generally between points in Oregon and Idaho, serving all intermediate points, and specified off-route points, between Jordan Valley and Sheaville, OR, on the one hand, and, on the other, the facilities of DE Lamar Silver Mine, at De Lamar (Owyhee County) ID, and between points in OR and ID, on the one hand, and, on the other, points in the U.S. (except AK and HI). Representative: Timothy R. Stivers, P.O. Box 2576, Boise, ID 83701.

Volume No. OP3-MCFC-162

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC-FC 81301. By decision of April 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to LITTLE BEAR SERVICE, INC., Casper, WY, of Certificate No. MC-150204 Sub 1F, issued June 12, 1981, to CAL RENTAL TOOL & SUPPLY, INC., Mills, WY, authorizing the transportation of machinery, materials, equipment, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts (except complete oil drilling rigs), between points in WY, CO, UY, MT, and ND. Representative: Robert Jones, Box 813, Casper, WY 82602.

MC-FC 81339. By decision of April 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to CONSOLIDATED TRANSPORTATION SERVICES, INC., of Duluth, GA of Certificate No. MC-148665 Sub 6, issued July 28, 1982, and Permit No. MC-148665 and Subs 2, 3, 4, 5, and 6, issued March 9, 1981, March 9, 1981, August 27, 1981, June 4, 1982, and April 6, 1982, respectively, to CFS CONTINENTAL TRANSPORTATION COMPANY, of Chicago, IL, authorizing (1) foodstuffs (except in bulk), and materials, equipment and supplies used in the manufacture and distribution of foodstuffs, between points in Cook and Will Counties, IL, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM, (2) such commodities as are dealt in or used by grocers, restaurants, and institutional food manufacturers and distributors (except commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with CFS Continental, Inc., and its subsidiaries Continental Coffee

Co., of Houston, CFS Continental Dallas, Continental Dayton, Inc., Continental Decatur, Inc., Continental Indianapolis, Inc., Continental Iowa, Inc., Continental Michigan, Inc., and Continental Minnesota, Inc., all of Chicago, IL, (3) general commodities (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with Texas Shippers Association, Inc., of Chicago, IL, (4) general commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Anchor Hocking Corporation, of Lancaster, OH, (5) general commodities (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Continental-Topper, Inc., of Eighty-Four, PA, Sugar Food Corporation, of Columbus, OH, Continental Big Red, Inc., of Fargo, ND, Continental Crystal, Inc., of Duluth, MN, Continental-South Dakota, of Sioux Falls, SD, Continental-Atlanta, Inc., of Doraville, GA, Continental Coffee Company of Florida, of Miami, FL, Continental-Institutional, Inc., of Macon, GA, Continental-Arctic, Inc., of Renton, WA, Continental-Los Angeles, Inc., of Vernon, CA, CFS Continental-Phoenix, Inc., of Phoenix, AZ, Houston Foods, Inc., of Chicago, IL, Shari Candies, Inc., of Mankato, MN, Melster Candies, of Cambridge, WI, Continental-Central Florida, Inc., of Sanford, FL, Continental Kiel, Inc., of Billings, MT, Continental-San Diego, Inc., of San Diego, CA, Barg & Foster, of Shorewood, WI, Harold Freund Baking Company (San Jose), of San Jose, CA, CFS Continental-Fresno, Inc., of Fresno, CA, CCC Utah, Inc., of Salt Lake City, UT, Harold Freund Baking Company, of City of Industry, CA, Harold Freund Baking Company (Florida), of St. Petersburg, FL, and Continental-Avard, Inc., of Union City, CA, (6) general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with W. W. Grainger, Inc., of Chicago, IL, and (7) general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with ITOFCA, Inc., of Downers Grove, IL. Representative: Richard M. Tettelbaum, 1225 19th St., N.W., Suite 340, Washington, DC 20036.

Note.—An application for temporary authority has been filed.

Volume No. OP3-MCFC-166

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Decided: April 12, 1983.

MC-FC 81200. By decision of April 12, 1983 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181, Review Board Number 3 approved the transfer to MASTER VAN & STORAGE, INC., Marysville, CA, of Certificate No. MC-135514 Sub 1, issued July 5, 1972, to LYLE M. MOREY, doing business as CONTRACT MOVING SERVICE, Sacramento, CA, authorizing the transportation of *used household goods*, between points in Alpine, Amador, El Dorado, NV, Placer, Sacramento, and Yolo Counties, CA. Restriction: The operations authorized herein are subject are restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Representative: Floyd L. Farano, 2555 E. Chapman Avenue, Suite 415, Fullerton, CA 92631, (714) 773-4111.

[FR Doc. 83-10442 Filed 4-19-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP-5-184]**Motor Carriers; Permanent Authority Decision; Decision-Notice**

Decided: April 12, 1983.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1160.40-1160.49. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the

Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier (member Parker not participating).

Agatha L. Mergenovich,
Secretary.

MC 167178, filed April 1, 1983. Applicant: METROPLEX FREIGHT SERVICE OF OKLAHOMA, INC., 901 Enterprise Ave., Oklahoma City, OK 73128. Representative: D. Paul Stafford, Suite 1125—Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in

bulk), between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant has filed a directly related petition for control exemption in No. MC-F-15230, published in this same issue.

[FR Doc. 83-10436 Filed 4-19-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-228]**Motor Carriers; Permanent Authority Decision; Restriction Removals; Decision-Notice**

Decided: April 13, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 4, at (202) 275-7669.

MC 134616 (Sub-5)X, filed April 5, 1983. Applicant: KEARNEY'S TRUCKING SERVICE, INC., P.O. Box 264, Portland, PA 18351. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344-8030. MC 129459 (Sub-15) permit: (1) broaden salt,

in bulk to "such commodities as are dealt in by grocery stores", and (2) expand to between points in the United States (except AK and HI), under continuing contract(s) with the named shippers.

[FR Doc. 83-10441 Filed 4-19-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practices. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers filed on or after November 19, 1982 are governed by Subpart D of 49 CFR Part 1160, published in the Federal Register on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual

operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract, carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note. All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under

contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 4 at (202) 275-7669.

Volume No. OP4-224

Decided: April 12, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 134387 (Sub-98), filed April 4, 1983. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Andrew D. Shafer, 1200 IBM Bldg., Seattle, WA 98101, (202) 624-7373. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Safeway Stores, Inc., of Oakland, CA.

MC 144557 (Sub-25), filed April 6, 1983. Applicant: HUDSON TRANSPORTATION, INC., P. O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P. O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144697 (Sub-1), filed April 6, 1983. Applicant: GIBCO MOTOR EXPRESS, INC., 3200 Haythorne Ave., P. O. Box 478, Terre Haute, IN 47805. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *commodities in bulk*, between points in IA, IL, IN, KY, MI, MN, MO, NE, OH, PA, TN, WI, and WV.

MC 147876 (Sub-8), filed April 4, 1983. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: K. Edward Wolcott, Suite 1200, 235 Peachtree St., NE, Atlanta, GA 30303, (404) 522-2322. Transporting *metal products*, between points in Butler County, OH, on the one hand, and on the other, points in Ripley County, IN and Coffee County, TN.

MC 148626 (Sub-1), filed April 5, 1983. Applicant: JACK CLOSE, d.b.a. CLOSE TRUCKING, Route #3, Millersburg, OH 44654. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215, (614) 224-3161. Transporting *general commodities* (except classes A and B explosives, household goods, commodities in bulk), between points in OH and PA, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 151736 (Sub-4), filed March 25, 1983. Applicant: MANCHESTER MOVERS, INC., 85 Colonial Rd., Manchester, CT 06040. Representative: Frank N. Serignese (same address as applicant), (203) 646-3333. Transporting *household goods* between points in CT, on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, ID, KS, LA, MN, MO, MS, MT, NE, ND, NM, NV, OK, OR, SD, TX, UT, WA, WI and WY.

MC 157497 (Sub-3), filed March 28, 1983. Applicant: IVAN HABECK, Route 1, Box M-8, Ipswich, SD 57451. Representative: John T. Wirth, 717-17th St., Suite 2600, Denver, CO 80202-3357, (303) 892-6700. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI).

Volume No. OP4-226

Decided: April 13, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 138926 (Sub-10), filed April 7, 1983. Applicant: GENCOM, INC., R.R. #4, Box 697, Marshall, MO 65340. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636-2321. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MO and KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 140787 (Sub-2), filed April 4, 1983. Applicant: GIVENS TRUCKING COMPANY, INC., 1720 S Military Hwy, Chesapeake, VA 23320. Representative: Frank B. Hand, Jr., P.O. Box 145C, Berryville, VA 22611, (703) 662-0927. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Givens, Incorporated of Chesapeake, VA.

MC 142397 (Sub-1), filed April 4, 1983. Applicant: DENNIS J. LAUGHLIN, d.b.a. DENNIS J. LAUGHLIN TRUCKING, 130 Sawyer Ave., Tonawanda, NY 14150. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836-1144. Transporting *those commodities which because of their size or weight require the use of special handling or equipment and transportation equipment*, between points in NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143658 (Sub-6), filed April 7, 1983. Applicant: GOLD LEAF TRUCKING COMPANY, 2927 Retnag Rd., Petersburg, VA 23803. Representative:

David B. Kearney, 1400 Ross Bldg., Richmond, VA 23219, (804) 644-4131. Transporting *tobacco products*, between points in Middlesex County, NJ, and Chesterfield County, VA, on the one hand, and, on the other, Petersburg, VA, and points in Bibb County, GA.

MC 144587 (Sub-4), filed April 5, 1983. Applicant: DON E. KEITH, 2990 Pierce Rd., Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. Transporting *petroleum, natural gas and their products*, between points in CA, on the one hand, and, on the other, points in AZ.

MC 144667 (Sub-27), filed April 7, 1983. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 68961. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *general commodities*, (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 148116 (Sub-1), filed April 7, 1983. Applicant: TOM JOSEPH ENTERPRISES, INC., 8000 Cleveland Ave., N, N Canton, OH 44720. Representative: Boyd B. Ferris, 50 W Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *transportation equipment*, between points in the U.S. (except AK and HI).

MC 152117 (Sub-4), filed April 8, 1983. Applicant: LITTLE GINNEY TRANSPORT SYSTEMS, INC., 1112 29th Ave., S.W., Cedar Rapids, IA 52408. Representative: Virginia A. Wilson (same address as applicant), (319) 366-0347. Transporting *general commodities*, (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 152176 (Sub-4), filed April 8, 1983. Applicant: SAIN & HEAVNER TRUCKING, Route 1, Box 316, Vale, NC 28168. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211, (803) 799-9122. Transporting *glass and glassware*, between points in NC and FL, under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 166806, filed March 15, 1983. Applicant: DES PLAINES SOD CENTER, INC., d.b.a. D.S.C. TRANSPORTATION, P.O. Box 380, Algonquin, IL 60102. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298-1094. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

Volume No. OP4-229

Decided: April 13, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 35756 (Sub-2), filed April 5, 1983. Applicant: HARRY E. CULBERTSON, INC., 1235 Crease St., Philadelphia, PA 19125. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365-5141. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in DE, MD, NJ, NY, PA and DC.

MC 42866 (Sub-23), filed April 5, 1983. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview, IL 60153. Representative: John P. Torpats (same address as applicant), (312) 450-2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Robert Lipin, d.b.a. RPL Associates, Inc., of Southfield, MI.

MC 139666 (Sub-6), filed April 4, 1983. Applicant: AIRCRAIG CORPORATION, 12255 N.E. Whitaker Way, Portland, OR 97230. Representative: Manuel G. Garcia, (same address as applicant), (503) 256-4326. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 145557 (Sub-20), filed April 5, 1983. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64168. Representative: George M. Butler (same address as applicant), (816) 241-5164. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153457 (Sub-4), filed April 6, 1983. Applicant: TEXAS U.S. TRUCKING, INC., 3061 Hardy St., Fort Worth, TX 76106. Representative: A. C. McAdams (same address as applicant), (817) 625-4191. Transporting *rubber, plastic and related products*, between points in TX, on the one hand, and, on the other, points in the U.S. (except HI).

MC 154426 (Sub-4), filed April 4, 1983. Applicant: DITZFELD TRANSFER, INC., 104 W. Pacific, Sedalia, MO 65301. Representative: Jeremiah D. Finnegan, 4225 Baltimore Ave., Kansas City, MO 64111, (816) 753-1122. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in

MO and KS, on the one hand, and, on the other, points in the U.S. (except HI).

MC 156537 (Sub-1), filed April 4, 1983. Applicant: CARBEC, INC., 108 Montcalm N., Candiac, Quebec, Canada J5R 3L8. Representative: Ronald I. Shaps, 450 7th Ave., New York, NY 10123, (212) 239-4610. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NJ, NH, MA, RI, ME, VA, NC, SC, GA, FL, WV, NY, VT, PA, MD, DE, CT, IL, MI, OH, TX, and DC.

MC 160767 (Sub-8), filed April 6, 1983. Applicant: LADD TRANSPORTATION, INC., #1 Plaza Center, Box HP 3, High Point, NC 27261. Representative: Beverly C. Davis (same address as applicant), (919) 889-0333. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Covington Diesel, Inc., of Greensboro, NC.

MC 164337 (Sub-1), filed April 5, 1983. Applicant: FORT WASHINGTON TRUCKING CO., Suburban Trust Bank Bldg., 5410 Indian Head Hwy, Suite 300, Oxon Hill, MD 20745. Representative: Delma L. Reese II (same address as applicant), (301) 567-1322. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 165226 (Sub-2), April 6, 1983. Applicant: WISCONSIN ILLINOIS STAGES, INC., Rt. 3, Box 349B, Theatre Rd., Delavan, WI 53115. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840-8565. (A) In interstate or foreign commerce, transporting *passengers*, (1) between junction of Walworth County Hwy BB and Willow Rd., southwest of Lake Geneva, WI and Chicago, IL: from junction Walworth County Hwy BB and Willow Rd., over Willow Rd. to junction WI Hwy 120, then over WI Hwy 120 to the WI-IL State line, then over IL Hwy 47 to junction U.S. Hwy 14, then over U.S. Hwy 14 to junction IL Hwy 53, then over IL Hwy 53 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago, IL, serving all intermediate points, and (2) between junction WI Hwy 120 and Walworth County Hwy BB, south of Lake Geneva, WI and the junction of WI Hwy 120 and Willow Rd., over WI Hwy 120, serving all intermediate points, and the off-route point of Powers Lake, WI. (B) In interstate, intrastate, and foreign commerce, transporting *passengers*, between junction IL Hwy 47 and the WI-IL State line, and Chicago, IL: from junction IL Hwy 47 and the WI-IL State

line, over IL Hwy 47 to junction U.S. Hwy 14, then over U.S. Hwy 14 to junction IL Hwy 53, then over IL Hwy 53 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago, IL, serving all intermediate points. Note: Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c) (2)(B) over the same route. (C) In intrastate commerce, transporting *passengers*, between Antioch, IL and Chicago, IL: from Antioch over IL Hwy 173 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction Interstate Hwy 294, then over Interstate Hwy 294 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago, IL, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing authority. Applicant seeks to provide regular-route service in interstate of foreign commerce.

Note.—Applicant seeks to provide regular-route service in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

MC 166126, filed April 4, 1983. Applicant: KWIK-WAY-WEST, INC., 925 West Main St., Rock Hill, SC 29730. Representative: C. Jack Pearce, 1000 Connecticut Ave. NW, Suite 1200, Washington, DC 20036, (202) 785-0048. Transporting *such commodities* as are dealt in or used by retail stores, between points in York County, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Smith Enterprises, Inc., of Rock Hill, NC.

MC 167246, filed April 5, 1983. Applicant: ASSOCIATED FOOD STORES, INC., Airport Rd., P.O. Box 4069, Helena, MT 59601. Representative: William E. O'Leary, 111 N. Last Chance Gulch, 4G Arcade Bldg., Helena, MT 59601, (406) 443-4010. Transporting *food and related products*, between points in WA, OR, CA, ID, MT, UT, and AZ.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-185

Decided: April 13, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 5428 (Sub-16), filed April 5, 1983. Applicant: LYON VAN LINES, INC., P.O. Box 5011, Carrollton, TX 75006. Representative: J. B. Stuart (same address as applicant), (214) 448-1500. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Gould, Inc., of Rolling Meadows, IL.

MC 41098 (Sub-106), filed April 6, 1983. Applicant: GLOBAL VAN LINES,

INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006 (202) 833-8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with ITT-Grinnell Corporation, of Providence, RI and its subsidiaries.

MC 164979 (Sub-1), filed April 4, 1983. Applicant: MERCED TRANSPORTATION COMPANY, d.b.a. VIA CHARTER LINES, 300 Grogan Avenue, Merced, CA 95304. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986-8696. Transporting *passengers*, between Merced, CA, and Yosemite National Park, CA, over U.S. Hwy 140, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under U.S.C. 10922(c)(2)(B) over the same route.

MC 165929, filed March 28, 1983. Applicant: SHING KEE TRANSPORT, 107 Alta Vista Way, Daly City, CA 94014. Representative: Michael G.W. Lee, 407 Sansome St., Second Floor, San Francisco, CA 94111, 415-788-9000. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 166909(a), filed March 28, 1983. Applicant: DON ADAMS LIVESTOCK TRUCKING, INC., 415 So. 25th St., Billings, MT 59101. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252-4165. Transporting *foodstuffs* between points in Yellowstone County, MT, on the one hand, and, on the other, points in CA, OR, WA, ID, NV, AZ, WY, MT, CO, NM, and UT.

Note.—Applicant also seeks authority in MC-166909(b) published in this same Federal Register.

MC 167119, filed April 6, 1983. Applicant: HARRIS CORPORATION, 1025 W. Nasa Blvd., Melbourne, FL 32919. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301-840-8565. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk) between points in the U.S. (except HI) under continuing contract(s) with Harris Graphics Corporation of Melbourne, FL.

[FR Doc. 83-10443 Filed 4-19-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common of contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the *Federal Register* on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the *Federal Register* on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the *Federal Register* on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to

exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-173

Decided: April 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 141872 (Sub-3), filed March 29, 1983. Applicant: MATS, INC., P.O. Box 1615, St. Paul, MN 55111. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *shipments weighing 100 pounds or less* if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 144802 (Sub-3), filed March 31, 1983. Applicant: CONTINENTAL LIMOUSINE SERVICE, INC., 1137 N. Highland St., Arlington, VA 22201. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703-522-0900. Transporting *passengers*, in charter and special

operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 153043 (Sub-2), filed March 8, 1983. Applicant: WEST SHORES LEASING CORP., 3102 W. Buckeye Rd., Phoenix, AZ 85009. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714-667-8107. Transporting (a) *passengers*, over regular routes (1) between Chandler, AZ and El Centro, CA: from the Chandler over AZ Hwy 87 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction Interstate Hwy 8, then over Interstate Hwy 8 to El Centro, CA, (2) between El Centro and San Ysidro, CA: from El Centro over Interstate Hwy 8 to junction Interstate Hwy 805, then over Interstate Hwy 805 to San Ysidro, CA, (3) between San Ysidro and San Diego, CA over Interstate Hwy 5, (4) between San Diego and Los Angeles, CA: from San Diego over Interstate Hwy 5 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, return over the same routes, and (5) serving all intermediate points in routes (1) thru (4) above, (b) *passengers*, in charter and special operations, between points in the U.S. (except HI), and (c) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except HI).

Notes.—(1) In part (a) applicant seeks to provide regular route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (c)(2)(b) over the same route. (2) In part (b) applicant seeks to provide privately-funded charter and special transportation. Part (a) is published in the *Federal Register*, this issue, with "regular applications".

MC 159703 (Sub-1), filed March 24, 1983. Applicant: DIXON BUS SERVICE, INC., d/b/a TRIPLE E, 2510 Woodberry St., Hyattsville, MD 20782. Representative: Ecks Steve Dixon, Sr. (same address as applicant), 301-422-8718. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note. Applicant seeks to provide privately-funded charter and special transportation.

MC 166973, filed March 22, 1983. Applicant: SCHMIDT, PRITCHARD & CO., INC., 4849 North Scott St., Schiller Park, IL 60176. Representative: Thomas J. Garibaldi (same address as applicant) (312) 671-5130. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166842, filed March 31, 1983. Applicant: CHARLES P. O'DELL d.b.a. EAST WEST MOTOR EXPRESS, 1705

Morningside Drive, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, 605-343-4036. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI), (3) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, MT, NE, ND, SD, and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (4) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—Part (3) is published in the Federal Register, this issue, with "regular applications".

MC 166993, filed March 23, 1983. Applicant: PARADISE COACH LINES, INC., 625 Tenth St. East, Palmetto, FL 33561. Representative: Baldwin R. Hatcher, Jr. (same address as applicant), 813-722-3444. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167003, filed March 24, 1983. Applicant: DAVID H. ETHERIDGE, 65 Fairland Court, Madison, WI 53713. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge No. 832, Protage, WI 53901, (608) 742-3579. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167012, filed March 23, 1983. Applicant: REVITE, INC., 889 Frelinghuysen Ave., Newark, NJ 07114. Representative: Ronald L. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167063, filed March 28, 1983. Applicant: BURROWS TRAVEL & LEASING, INC., 3112 Kathleen, Longview, TX 75604. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478-9808. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167133, filed March 29, 1983. Applicant: PAT & GORDON, INC., 270 Gloucester Pike, Lawnside, NJ 08045. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, 717-344-8030. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167182, filed March 31, 1983. Applicant: RAYMOND W. MILLER, JR., d.b.a. CRICKETT LIMOUSINE & VAN SERVICE, R.D. No. 2, P.O. Box 190, Hanover, PA 17331. Representative: John Wills Beach, 34 West Middle St., Gettysburg, PA 17325, 717-334-9121. Transporting *passengers*, in special operations, beginning and ending at points in Adams, Cumberland, Lancaster, and York Counties, PA, and extending to points in DE, MD, NJ, NY, VA, WV, and DC.

Note.—Applicant seeks to provide privately-funded special transportation.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-230

Decided: April 13, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 167087, filed March 29, 1983. Applicant: J. SCOTT, d.b.a. EXPERT FREIGHT BROKERS, 1717 N. Broadway, St. Louis, MO 63102. Representative: J. Scott (same address as applicant), (314) 231-6300. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI), and (4) As a *broker of general*

commodities (except household goods), between points in the U.S.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-188

Decided: April 13, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 158549 (Sub-1), filed April 6, 1983. Applicant: NATIONAL BUS LINES, INC., 8046 Lakecrest Dr., Greenbelt, MD 20770. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301-840-8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166909 (b), filed March 28, 1983. Applicant: DON ADAMS LIVESTOCK TRUCKING, INC., 415 So. 25th St., Billings, MT 59101. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101 (406) 252-4165. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC-166909(b) published in this same Federal Register.

MC 167198, filed March 29, 1983. Applicant: G. G. & C. BUS COMPANY, INC., 2896 Jefferson Avenue, Washington, PA 15301. Representative: David N. Rutt, 321 Washington Trust Bldg., Washington, PA 15301 (412) 225-7860. Transporting *passengers*, in charter and special operations, between points in PA, WV, and OH.

Note.—The Board concludes that applicant is a privately funded carrier seeking to provide charter and special operations, notwithstanding the receipt of governmental financial assistance.

MC 167248, filed April 5, 1983. Applicant: GEORGE H. HOENES, JR., INC., P.O. Box 183, Cologne Ave. & Whitehouse Pike, Cologne, NJ 08213. Representative: Raymond Talipski, 121 South Main St., Taylor, PA 18517 (717) 344-8030. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167249, filed April 5, 1983. Applicant: DALE HUTCHINSON, Kenneth Ave., Webster, MA 01570.

Representative: Dale Hutchinson (same address as applicant), (617) 943-8933. As a broker of general commodities (except household goods), between points in the U.S.

MC 167278, filed April 7, 1983.

Applicant: LORNE HAMPTON, 33587 Church Rd., Warren, OR 97053. Representative: Lorne Hampton (same address as applicant), (503) 397-3167. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167279, filed April 7, 1983.

Applicant: BUSH MOVING, INC., d.b.a. ARIZONA TRAVELER CHARTER AND TOURS OF ARIZONA, 15242 N. 23rd Drive, Phoenix, AZ 85023. Representative: Ronald V. Meeks, 2924 North 24th Ave., Phoenix, AZ 85015 (602) 253-2700. Transporting passengers, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

(FR Doc. 83-10444 Filed 4-19-83; 8:45 am)

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with provisions of 49 CFR 1131.3 These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protest are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., Philadelphia, PA 19106.

MC 107012 (Sub-II-281TA), filed March 31, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Marget S. Vegeler (same as applicant). Contract, irregular: General commodities, (except household goods, classes A&B explosives, and commodities in bulk) between points in the U.S. under continuing contract(s) with Lumex, Inc., of Ronkonkoma, NY, and its divisions and subsidiaries. An underlying ETA seeks 120 days authority. Supporting shipper: Lumex, Inc., 2100 Smithtown Avenue, Ronkonkoma, NY 11779.

MC 107012 (Sub-II-282TA), filed March 31, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: household goods, between points in the U.S., under continuing contract(s) with Intergraph Corporation, Huntsville, AL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Intergraph Corp., P.O. Box 5183, Huntsville, AL 35807.

MC 107012 (Sub-II-283-ta), filed April 4, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: household goods between points in the U.S., under continuing contract(s) with Systematics, Inc., of Little Rock, AR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Systematics, Inc., 4001 Rodney Parham Rd., Little Rock, AR 72212.

MC 107012 (Sub-II-284-ta), filed April 4, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular:

household goods between points in the U.S., under continuing contract(s) with Alpha Industries, Inc., of Woburn, MA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Alpha Industries, Inc., 20 Sylvan Rd., Woburn, MA 01801.

MC 107012 (Sub-II-285-ta), filed April 7, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: household goods between points in the U.S., under continuing contract(s) with Sun Refining and Marketing Company of Phila., PA, for 270 days. Supporting shipper: Sun Refining and Marketing Co., Ten Penn Center, 1801 Market St., Phila., PA 19103.

MC 107012 (Sub-II-286-ta), filed April 8, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: household goods between points in the U.S., under continuing contract(s) with Days Inn of America, Inc., of Atlanta, GA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Days Inn of America, Inc., 2751 Buford Highway, Atlanta, GA 30324.

This was first published in the Federal Register dated March 21, 1983.

MC 81334 (Sub-II-2TA), filed February 28, 1983. Applicant: TRANS-BRIDGE LINES, INC., 2012 Industrial Dr., Bethlehem, PA 18017. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Common, regular: Passengers and their baggage in the same vehicle with passengers, between Bethlehem, PA and New York, NY. From Bethlehem, PA, over US Hwy 22 to junction Int. Hwy 78 at Still Valley, NJ, then over Int. Hwy. 78 to junction Int. Hwy 287 at Pluckemin, NJ, then over Int. Hwy 287 to junction Int. Hwy 95 near Fords, NJ, then over Int. Hwy 95 and through the Lincoln Tunnel to New York, NY, and return over the same route, serving all intermediate points in PA and those in NJ, between Phillipsburg and Clinton, both inclusive, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are twenty-one supporting statements to this application which may be examined at the Phila. Regional office. The purpose of this re-publication is to include baggage in description which was not shown in the previous publication.

This was first published in the Federal Register dated March 21, 1983. MC 158923 (Sub-II-4TA), filed February 22,

1983. Applicant: JOHN R. VALENTINO TRUCKING, R. D. #2, Box 9B, Cochranville, PA 19330. Representative: John R. Valentino (same address as applicant). *General commodities (except household goods as defined by the Commission, Classes A & B explosives, secret and sensitive weapons and munitions) between points in NJ, NY, DE, PA, MD, DC, VA, CT, RI and MA.* Applicant intends to tack this authority with its authority in MC-158923. Restricted to U.S. Government traffic. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Veterans Administration Supply Depot, VASD Route 206, Somerville, NJ 08876. The purpose of this re-publication is to show tacking which was omitted in the previous publication.

MC 144672 (Sub-II-4-ta), filed March 28, 1983. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood OH 45426. Representative: Richard H. Schaefer (same as applicant). *Building materials between Lockland, OH and points in the states of IL, IN, IA, KY, MI, MO, NC, PA, TN, VA, WV, and WI for 270 days.* An underlying eta seeks 120 days authority. Supporting shipper(s) Jim Walter Corp., P.O. Box 22602, 1500 N. Dole Mabry, Tampa, FL 33622.

Note.—Applicant holds contract authority in MC 55822 and subnumbers therefore dual operations may be involved.

MC 150522 (Sub-II-10TA), filed April 5, 1983. Applicant: VIRGINIAN POWER TRANSPORT CO., INC., P.O. Box 603, Poca, WV 25159. Representative: John M. Friedman, 2930 Putnam Ave., P.O.B. 426, Hurricane, WV 25526. *Materials, supplies and equipment used in the manufacture, production, maintenance and sale of aquariums between Staley, NC, Lyndhurst, NJ, and Mineral Wells, WV, on the one hand, and, on the other, points in FL, NE, OH, MD, MO, SC, IN, NC, NJ, IL, and VA for 270 days.* Supporting shipper(s): Emix Corp, Blair Ave., Mineral Wells, WV 26150.

MC 30237 (Sub-II-11TA), filed April 5, 1983. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, VA 24517. Representative: J. Johnson Eller, Jr., 712 Main St., Altavista, VA 24517. *Plastic or rubber articles between points in Middlesex County, NJ, Erie County, NY, Hillsboro County, NH and Buncombe County, NC, on the one hand, and, on the other, points in Campbell County, VA.* Supporting shipper: Abbott Laboratories Hospital Products Div., P.O. Drawer 650, Altavista, VA 24517.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300,

1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 164399 (Sub-3-3TA), filed April 7, 1983. Applicant: L. S. TRUCKING, INC., 9003 Tara Boulevard, Jonesboro, GA 30236. Representative: Philip L. Martin, 3537 Habersham at Northlake, P.O. Box 450107, Atlanta, GA 30345. *Contract: Irregular: Alcoholic beverages, materials and supplies and related items between points in the US, under continuing contract with Dixie Distributing Co. Supporting Shipper: Dixie Distributing Co., 1350 Talbotton Road, Columbus, GA 31702.*

MC 682 (Sub-3-9TA), filed April 7, 1983. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Boulevard, Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Avenue, N.W., Suite 1112, Washington, DC 20036-5391. *Contract, Irregular graphic arts cameras and supplies from Tamarac, FL; South Hackensack, NJ; Elmhurst, IL; Arlington, TX; Garden Grove, CA, to points in the United States, with return of equipment from points in the United States to those points listed above, under continuing contract(s) with Visual Graphics Corporation, of Tamarac, FL. Supporting shipper: Visual Graphics Corporation, 5701 N.W. 94th Avenue, Tamarac, FL 33321.*

MC 166038 (Sub-3-6TA), filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Irregular routes: contract carrier: business forms, stock tabs, and related materials, equipment and supplies used by office business supply houses, between the facilities of Computer Business Forms located at or near Greensboro, NC and Atlanta, GA under contract or continuing contracts with Computer Business Forms of Greensboro, NC.*

MC 166038 (Sub-3-7 TA), filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Irregular routes: contract carrier: business forms, stock tabs and related materials, equipment and supplies, between the facilities of DSI Forms, Inc. located at or near Palatka, FL and Norcross, GA under contract or continuing contracts with DSI Forms, Inc.*

MC 166038 (Sub-3-2TA), filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Road, Atlanta, GA 30341 Representative:

Bruce E. Mitchell, Suite 520, 3390 Peachtree Road, NE, Atlanta, GA 30326. *Contract: irregular: business forms, stock tabs and related materials, equipment and supplies used by office business supply houses, between the facilities of Office Electronics, Inc. located at or near Belmar, NJ, Atlanta, GA, Minneapolis MN, Milwaukee, WI, St. Louis and Kansas City, MO, Houston, TX, and Itasca, IL under contract or continuing contracts with Office Electronics, Inc. of Oakbrook, IL.*

MC 166038 (Sub-3-5 TA), Filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Esquire, Serby & Mitchell, P.C., Suite 520, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Irregular Routes: contract carrier: business forms, stock tabs and related materials, equipment and supplies used by office business supply houses, (1) between the facilities of Texas Stock Tab at or near Coppell, TX and Kearnsyville, WV, and Duluth, GA; and (2) between the facilities of Texas Stock Tab located at St. Louis, MO and Chicago, IL under contract or continuing contracts with Texas Stock Tab of Coppell, TX.*

MC 166038 (Sub-3-3TA), filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Irregular routes: contract carrier: business forms, stock tabs and related materials, equipment and supplies used by office business supply houses, between the facilities of Unified Data Products Corporation of Vermont, at or near Grafton, VT, and Fairlawn and Rutherford, NJ under contract or continuing contracts with Unified Data Products Corporation of Vermont.*

MC 128117 (Sub-3-16TA), filed April 5, 1983. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *New furniture and furniture parts, between points in Sumter County, SC, on the one hand, and, on the other, points in Harris County, TX.* Supporting shipper: Finger Furniture Company, Inc., 4001 Gulf Freeway, Houston, TX 77003.

MC 166038 (Sub-3-4TA), filed April 6, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Irregular routes: contract carrier: business forms, stock tabs and related*

materials, equipment and supplies, between the facilities of Better Business Forms, Inc. at or near Pinellas Park, FL and Atlanta, GA under contract or continuing contracts with Better Business Forms, Inc. of Pinellas Park, FL.

MC 166868 (Sub-3-1TA), filed April 5, 1983. Applicant: EXECUTIVE EXPRESS OF ALABAMA, 1031 South 21st Street, Birmingham, AL 35205. Representative: Ted A. Holder (same address as applicant). *Passengers, special operations* between Birmingham, AL and its Commercial Zone and Atlanta, GA and its commercial zone. Supporting shippers: There are six statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 144218 (Sub-3-6TA), filed April 5, 1983. Applicant: FELDSPAR TRUCKING COMPANY, INC., P.O. Box 858 Spruce Pine, NC 28777. Representative: Joseph L. Steinfeld, Jr., 915 Pennsylvania Building, 425 13th Street, NW, Washington, DC 20004. *Machinery and machinery parts and supplies, over irregular routes, between the facilities of Homelite, Division of Textron, Inc., located at or near Gastonia, NC, on the one hand, and, on the other, Pine Brook, NJ, Chicago, IL, Dallas, TX, Denver, CO, Sacramento, CA, Milwaukee, Kohler, Grafton, and Clintonville, WI, and Indianapolis, IN, and points in their commercial zones. Supporting shipper: Homelite, Division of Textron, Inc., P.O. Box 1500, Gastonia, NC 28052.*

MC 144218 (Sub-3-5TA), filed April 5, 1983. Applicant: FELDSPAR TRUCKING CO., INC., P.O. Box 858, Spruce Pine, NC 28777. Representative: Joseph L. Steinfeld, Jr., 915 Pennsylvania Building, 425 13th Street, NW, Washington, DC 20004. *Contract carrier, irregular: such commodities as are dealt in or used by fabric stores, between Charlotte, NC, and points in its commercial zone, on the one hand, and, on the other, points in the U.S. in and east of TX, AR, MO, IA, and MN, under continuing contract(s) with Minnesota Fabrics, Inc., of Charlotte, NC. Supporting shipper: Minnesota Fabrics, Inc., P.O. Box 32606, Charlotte, NC 28232.*

MC 162900 (Sub-3-TA), filed April 5, 1983. Applicant: BEN R. COX d.b.a. COX TRUCKING COMPANY 414 South Road P.O. Box 5105, High Point, North Carolina 27262. Representative: Mrs. Jean Cox (same address as applicant). *Contract: irregular: fibreboard boxes and related products used in the manufacture, sale and distribution of fibreboard boxes between points in NY, MA, PA, WV, VA, SC, GA, TN, OH, FL, AL, LA, MS, AR, NJ, MD, DE, CT, NC. Supporting shipper: Container*

Corporation of America, P.O. Box 1225, Stone Mountain, Georgia, 30086.

MC 146869 (Sub-3-11TA), filed April 4, 1983. Applicant: CARRIER FREIGHT LINES, INC., P.O. Box 813, Hickory, NC 28601. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Wine, brandy and alcoholic beverages, from Modesto, CA to Atlanta, and Savannah, GA. Supporting Shipper: Empire Distributors, Inc., 6100 Emmanuel Drive, S.W., Atlanta, GA 30336.*

The following applications were filed in region 5. Send protest to: Consumer Assistance Center Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 61396 (Sub-5-27TA), filed April 6, 1983. Applicant: HERMAN BROS. INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501-2028.

Petroleum products, between points in Pottawattamie County, IA on the one hand, and, on the other, points in CO, IA, ID, IL, KS, MO, MN, NE, ND, OK, SD, TX, and WY. Supporting shipper: McCollister & Co., Council Bluffs, IA.

MC 147676 (Sub-5-15TA), filed April 7, 1983. Applicant: KEATON TRUCK LINES, INC., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same as above). *Cleaning Compounds and materials and supplies used in the manufacture thereof between a 50-mile radius of Atlanta, GA on the one hand, and, on the other, all points in the contiguous U.S. Supporting shipper: Diversey-Wyandotte Corp., Tucher, GA.*

MC 147676 (Sub-5-16TA), filed April 7, 1983. Applicant: KEATON TRUCK LINES, INC., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same as above). *General Commodities except items in bulk, class A & B explosives, and items of unusual value, between a 50-mile radius of Atlanta, GA and Chicago, IL, on the one hand; and, on the other, all points in the contiguous U.S. Supporting shipper: Hoyne Industries, Inc., Conyers, GA.*

MC 150809 (Sub-5-13TA), filed April 6, 1983. Applicant: CENTURY CONCRETE CO., d.b.a. FLYNN CENTURY CONCRETE CO., East 12th Street, Dubuque, IA 52001. Representative: Carl E. Munson, P.O. Box 796, Dubuque, IA 52001. *Cement, from points in Rock Island County, IL, to points in IA. Supporting shipper: Dundee Cement Company, Clarksville, MO.*

MC 152117 (Sub-5-6TA), filed April 6, 1983. Applicant: LITTLE GINNY TRANSPORT SYSTEMS, INC., 1112 29th Avenue, S.W., Cedar Rapids, IA 52408.

Representative: Virginia A. Wilson (same). *General Commodities (except Classes A and B Explosives, commodities in bulk, those commodities which because of their size or weight require the use of special handling or equipment and household goods) between points in the U.S. (excluding AK & HI). Support shippers: 15.*

MC 161236 (Sub-5-2TA), filed April 8, 1983. Applicant: BARBARA KRAKLIQ, d.b.a. K & K TRUCKING, R.R. #1, Box 106, Eldridge, IA 52748. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. (1) *Silica sand, between Scott County, IA, on the one hand, and, on the other, Ottawa County, OK, and points in IL and (2) crushed glass, between Polk County, IA, on the one hand, and, on the other, Okmulgee County, OK; St. Louis, MO; and points in IL. Supporting Shipper: Container Recovery, Inc., Des Moines, IA and Marthens Company, Davenport, IA.*

MC 165947 (Sub-5-2TA), filed April 6, 1983. Applicant: HOWARD LOVE MACHINERY AND SUPPLY CO., 1717 East Loop, Suite 330, Houston, TX 77029. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *Hot Coal Tar and Asphalt, in bulk, between Lone Star, TX and Schererville, IN. Supporting shipper: Midwest Pipe Coating, Inc., Schererville, IN.*

MC 166644 (Sub-5-1TA), filed April 6, 1983. Applicant: FAST DELIVERY SERVICE, 1001 South Main Street, Nashville, AR 71852. Representative: Frank Wilkins, 1001 South Main Street, Nashville, AR 71852. *General Commodities express service limited to 1000 lbs. or less per shipment between Texarkana, TX, Texarkana, AR, Commercial Zone and the following counties in AR, Little River, Sevier, Howard, Pike, and Hempstead. Supporting shippers: 10.*

MC 166736 (Sub-5-2TA), filed April 7, 1983. Applicant: RKM EQUIPMENT & TRUCKING, INC., P.O. Box 767, Yukon, OK 73099. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. (1) *Metal Products, from Pryor, OK and Van Buren, AR to points in the U.S. (except AK and HI) and (2) Machinery, between points in the U.S. (except AK and HI) restricted to traffic moving for the account of Harris Machine Tools, Inc. and Bob Kaufman Machinery Corp. Supporting shipper(s): Harris Machine Tools, Inc., Houston, TX; Bob Kaufman Machinery Corp., North Chicago, IL; HEM, Inc., Pryor, OK.*

MC 166923 (Sub-5-1TA), filed April 8, 1983. Applicant: KAPEX, 6455 Parker Road, St. Louis, MO 63033. Representative: James P. Main (Same as

applicant). Toys and Plastic molded objects, between the facilities of Alma Plastics at or near Edinbergh, IN on the one hand, and, on the other the facilities of Learning Products at or near St. Louis, MO. Alma Plastics, Edinbergh, IN; Learning Products, St. Louis, MO.

MC 167139 (Sub-5-1TA), filed April 8, 1983. Applicant: DANMARR TRANSIT, INC., 24 Royale Dr., Van Buren, AR 72956. Representative: Marr Lynn Bearden (same as above). *Paper and Paper Products*, between AR, OK, KS, MO, TX, TN and GA. Supporting Shipper: Inland Container Corp., Ft. Smith, AR.

MC 167251 (Sub-5-1TA), filed April 6, 1983. Applicant: FLEETWOOD EXPRESS, INC., 2813 18th Avenue, Scottsbluff, NE 69361. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501-2028. *Fertilizer in bulk*, between points in Laramie County, WY, on the one hand, and, on the other, points in Scotts Bluff, Morrill, Box Butte, Banner and Cheyenne Counties, NE. Supporting shipper: Panhandle Co-op Association, Scottsbluff, NE.

MC 167284 (Subs-5-1TA), Filed April 8, 1983. Applicant: SOIL FERTILITY OF TEXAS, INC., P.O. Box 815, Nacogdoches, TX 75961. Representative: Nelson M. Davidson, Jr., P.O. Box 1148, Austin, TX 78767. *Fertilizer and fertilizer materials* from Nacogdoches, Tyler, Galena Park and Freeport, TX, to points in AR and LA. Supporting Shipper: American Plant Food Corp., Galena Park, TX.

The Following Applications Were Filed In Region 6. Send Protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St. Suite 501, San Francisco, CA 94105.

MC 167196 (Sub-6-1TA), filed April 7, 1983. Applicant: ROBERT E. DAY, d.b.a. CORDOVA AIRPORTER, P.O.B. 2309, Cordova, AK 99574. Representative: Lawrence N. Minch, Two Embarcadero Center, San Francisco, CA 94111. *General Commodities* (except Classes A & B explosives) between points within a 25-mile radius of the city limits of Cordova, AK, including Cordova, AK, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shippers: Foss Alaska Line, Inc., P.O.B. 80887, Seattle, WA 98108; Harbor Hydraulic & Welding, Cordova, AK 99574; Redden of Cordova, Inc., P.O.B. 2323, Cordova, AK 99574; Morpac, Inc., No. 1 Cannery Row Cordova AK 99574.

MC 167264 (Sub-6-1TA), filed April 6, 1983. Applicant: FRANKLIN A. DICKTEN ROBERT E. and AGORASTOS, a partnership d.b.a. D & A TRANSPORTATION, 15833 Slover

Ave., Fontana, CA 92335. Representative: Roy Gray, P O Box 344, Bloomington, CA 92316. Clay, concrete, glass, stone, fabricated metal products and non metallic minerals, from points in AZ, CA, CO, MT, NM, NV, MO, OK, TX, UT, for 270 days. *Supporting shippers*: Kaygor Inc., 1243 Transit St., Pomona, CA 91769; EXPAC Inc., P.O. Box 804, Rancho Cucamonga, CA 91709; J and R Concrete Products, Inc., 11050 Redwood Ave., Fontana, CA 92335.

MC 167263 (Sub-6-1TA), filed April 6, 1983. Applicant: ANDRESA DULAY, 1925 Dover St., Delano, CA 93215. Representative: M. Dwain Smith, 1120 Kensington, Delano, CA 93215. *Passengers*, between Delano, CA and Las Vegas, NV, for 270 days. *Supporting shippers*: There are 5 shippers. Their statements may be examined at the regional office listed above.

MC 41098 (Sub-6-25TA), filed April 7, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. *Contract carrier*, irregular routes, transporting *household goods* between points in the U.S. under continuing contract(s) with The Hertz Corporation of New York, NY for 270 days. *Supporting shipper*: The Hertz Corporation, 660 Madison Avenue, New York, NY 10021.

MC 41098 (Sub-6-26TA), filed April 7, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. *Contract*, irregular, *Household goods* between points in the U.S. under continuing contract(s) with Gould Inc. of Rolling Meadows, IL and its subsidiaries, for 270 days. *Supporting shipper*: Gould Inc., 10 Gould Center, Rolling Meadows, IL 60008.

MC 164274 (Sub-6-1TA), filed April 7, 1983. Applicant: L & D ENTERPRISES, INC., 14909 NE 26th Street, Vancouver, WA 98664. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. *Styrofoam cups and lids*, between points in Contra Costa and Marin Counties, CA, on the one hand, and, on the other, points in AZ, UT and WA, for 270 days. ETA has been filed seeking 120 days' authority. *Supporting shipper*: Handi-Cup Company, 195 Tamal Vista, Corte Madera, CA 94925.

MC 167265 (Sub-6-1TA), filed April 6, 1983. Applicant: EMIL J. SAYLES, P.O.B. 1047, Evansville WY 82636. Representative: Sandra L. Sayles, 8450 Weld County Road 64, Windsor, CO 80550. *Oilfield equipment, materials and supplies used for same*, between points

in WY, CO, KS, ME, OK, TX, LA, NM for 270 days. Supporting shipper: Black Hills Bentonite Co., POB 9, Mills, WY 82644.

MC 121366 (Sub-6-1TA), filed April 6, 1983. Applicant: DALLAS SMITH TRANSPORT CORP., 1102 E. Tonto St., Phoenix, AZ 85034. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. *Motor vehicles* between points in IL, MI and WA for 270 days. Interline privileges requested. An underlying ETA seeks 120 days authority. Supporting shipper: Ford Motor Company, 1 Parklane Blvd, Parklane Towers East, Suite 200, Dearborn, MI 48126.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-10445 Filed 4-19-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 L.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

Volume No. OP3-163

Decided: April 13, 1980.

Maislin Industries, Ltd.—Continuance in Control Exemption—Contract Trucks, Inc., Maislin Transport, Ltd., Maislin Transport of Delaware, Inc., Gateway Transportation Co., Inc., Quinn Freight Lines, Inc., and Port Express International, Inc. MC-F-15184, Maislin Transport, Ltd. (MTL) (MC-108006), Maislin Industries, Ltd., (MIL), a non-carrier holding company, (MTL's parent

holding company) and Maislin Industries U.S., Inc. (MIUS), a non-carrier holding company (owned by MIL) seek an exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of Contract Truckers, Inc. (CTI) (an applicant for initial operating authority in MC-156254) (which is owned by MIUS). MTL also owns the stock of Maislin Transport of Delaware, Inc. (MTD)—(MC-60580) and Gateway Transportation Co., Inc. (MC-80430) and has temporary control of Quinn Freight Lines, Inc. (MC-4941). MIL also controls Port Express International, Inc., a Canadian non-carrier Corporation which is seeking to acquire a portion of the operating rights of Quinn in a separate proceeding (MC-F-14615).

Send comments to:

- (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and
- (2) A. David Millner, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. Comments should refer to No. MC-F-15164.

Volume No. OP5-MCF-183

Decided: April 12, 1982.

Metroplex Freight Service, Inc.—Control Exemption—Metroplex Freight Service of Oklahoma, Inc.—MC-F-15230. Metroplex Freight Service, Inc., seeks an exemption from the requirement under section 11343 of prior regulatory approval for its control of Metroplex Freight Service of Oklahoma, Inc. (No. MC 167178).

Send comments to:

- (1) Motor Section, Team 5, Room 2414, Interstate Commerce Commission, Washington, DC 20423 and
- (2) Petitioner's representative D. Paul Stafford, Suite 1125—Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245. Comments should refer to No. MC-F-15230.

Note.—Metroplex Freight Service of Oklahoma, Inc. has filed a directly-related application in No. MC 167178, published in this same issue.

[FR Doc. 83-10440 Filed 4-19-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30152]

Rail Carriers; Dillingham Holdings, Inc.—Control Exemption—Dillingham Corporation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 the acquisition of common control of Amador Central Railroad, Eagle Motor Lines, Inc., Foss L&T, Inc., and Propane Transport, Inc.

DATES: This exemption will be effective on April 20, 1983. Petitions to reopen must be filed by May 10, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30152 to: (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative: Barbara Campbell, 21 Dupont Circle NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: T. S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th and Constitution Ave. NW., Washington, D.C. 20423; or telephone: (202) 289-4357 (D.C. Metropolitan area), (800) 424-5403 (toll free-outside the D.C. area).

Decided: April 12, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-10438 Filed 4-19-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 19610]

Rail Carriers; Switching Rates in Chicago Switching District

AGENCY: Interstate Commerce Commission.

ACTION: Notice of reopening to eliminate prescription.

SUMMARY: Several rail carriers operating in the Chicago Switching District have petitioned for relief from the minimum rate prescription entered in this proceeding, 177 I.C.C. 669 (1931), and subsequent decisions. The Commission has provisionally decided to vacate the prescription in its entirety. Additional petitions, for special permission, are denied for lack of jurisdiction.

DATES: Comments are due on May 20, 1983. The relief will become effective on June 20, 1983, unless, in response to comments filed, the Commission issues a further decision modifying or withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Rail Section, Room 5344, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245; or Wendy Tillis, (202) 275-6445.

SUPPLEMENTARY INFORMATION: The Indiana Harbor Belt Railroad Company, the Chicago Short Line Railway Company, and the Baltimore & Ohio Chicago Terminal Railroad Company, each filed petitions requesting that rates prescribed in No. 19610, *supra*, be vacated for their single-line movements. The Elgin, Joliet & Eastern Railway and 16 other railroads have requested similar relief for their joint-line movements. Several of the petitioners have also requested that, should the order be vacated, they be allowed to supplement or reissue existing tariffs, increasing or reducing rates, on one day's notice.

In this case, originally decided over 50 years ago, the Commission prescribed minimum intrastate single-car rates for one, two, and three-line movements within the Chicago Switching District. The action was taken to remove discrimination against interstate commerce. These minimum rates, periodically revised by general increases, are still in effect today. The present rate for a single-car, single-line movement is 63 cents per 100 pounds at the RCCR-X002 level. (The two-line rate is 65 cents per 100 pounds, and the three-line rate is 68 cents per 100 pounds, minimum weight 60,000 pounds).

Petitioners argue that the competitive environment has changed substantially since this proceeding originated. They contend also that since motor carriers operate free of regulation within the Chicago Commercial Zone, rail carriers, which must charge prescribed minimum rates, operate at a competitive disadvantage.¹ Petitioners note that the Staggers Rail Act and the National Rail Transportation Policy encourage rail carrier rate-making freedom and competition between modes of transportation. They indicate also, that the Commission has granted relief to the Elgin, Joliet & Eastern Railway Company (EJ&E) on single-line movements (STA-No. 81-6000 S, June 2, 1982) and that this places other rail carriers at a disadvantage vis-a-vis the EJ&E.

Circumstances have changed, and minimum rate prescriptions in this

¹ The commercial zone and terminal area exemptions are statutory. The limits of these zones are set by the Commission.

proceeding no longer appear warranted. Today's regulatory scheme encourages ratemaking freedom and competition among and between modes of transportation. The petitioning railroads allege that they no longer need the protection of minimum rate orders while their removal would be harmonious with elements of the rail transportation policy. Removal would (1) allow competition and demand to set reasonable rate levels, (2) reduce Federal regulatory control, (3) enhance competition among modes, and (4) foster sound economic conditions in transportation. In the circumstances, there no longer appears to be a valid regulatory purpose served by the outstanding order.

It does not appear that this decision will significantly affect the quality of the human environment or conservation of energy resources.

49 U.S.C. 10321, 10701, 10702, and 10704)

Decided: April 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-10435 Filed 4-19-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83-7728 beginning on page 12602 in the issue of Friday, March 25, 1983, make the following correction:

On page 12604, center column, MC 159224 (Sub-1), Henry's Van Service, Inc., lines 8 through 10, "(except classes A and B explosives, household goods, and commodities in bulk)" should have read "(except classes A and B explosives and commodities in bulk)".

BILLING CODE 1505-01-M.

[Ex Parte No. 55 (Sub-No. 43D)]

Certification of Canadian or Mexican Ownership or Control of Applicants for Motor Common or Contract Carrier Authority

AGENCY: Interstate Commerce Commission.

ACTION: Modification of temporary procedure.

SUMMARY: On September 27, 1982, the Commission modified temporarily its procedures for applying for motor carrier operating rights authority in order to comply with the statutory prohibition against issuance of certificates or permits to certain

applicants as set forth in the Bus Regulatory Reform Act of 1982. All applicants were required to make certification with respect to Canadian or Mexican domicile, ownership or control. In accordance with the Bus Regulatory Reform Act of 1982, the President ended the moratorium as it pertained to Canada, and certification with respect to Canada is no longer required. Certification is still required with respect to Mexico. Failure to make the required certification will result in rejection of the application.

EFFECTIVE DATE: This procedure becomes effective April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph B. O'Malley, Jr., (202) 275-7928 or

Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: As enacted, Section 6(g) of the Bus Regulatory Reform Act of 1982 (Pub. L. No. 97-261) imposed a moratorium on the Commission's issuance of certificates or permits to motor carriers domiciled in Canada or Mexico or owned or controlled by Mexicans or Canadians. The Act authorizes the President to remove the moratorium in whole or in part upon determination that such action is in the national interest.

The President made an initial determination that, effective September 21, 1982, a partial suspension of the moratorium with respect to Canada was in the national interest, and he excepted certain categories or operating authority from the coverage of the moratorium. See 47 FR 7778. To enable the Commission to comply with the terms of the moratorium, as modified by the President, we adopted on September 27, 1982, a temporary procedure in Ex Parte No. 55 (Sub-No. 43D) published in the Federal Register on September 29, 1982 (47 FR 42948). That procedure required all motor carrier applicants for operating authority of any nature to provide certain certification regarding Canadian or Mexican domicile, ownership or control.

Subsequently, the President removed the moratorium for Canada, effective November 30, 1982. Accordingly, certification regarding Canadian domicile, ownership or control is no longer required and need not be submitted by motor carrier applicants. All motor carrier applicants, however, must continue to certify that they are neither domiciled in Mexico, nor owned or controlled by persons of that country. This certification must be in the following form:

I certify that the applicant in this proceeding is not domiciled in Mexico.

Moreover, the applicant is not owned by or controlled by persons of that country.

This certification must appear on the first page of a verified statement immediately following the name and address of applicant. Details need not be furnished at this stage, but failure to include the certification will result in rejection of the application. A person desiring to challenge an applicant's representation of domicile, ownership or control may do so as part of the normal protect procedure applicable to the type of application filed.

Because this temporary procedural change is merely a change in agency procedure or practice, notice to the public and opportunity to comment prior to adoption of the temporary procedure is not required. 5 U.S.C. 553(b)(3)(A). In addition, notice and comment would be both impractical and unnecessary. 5 U.S.C. 553(b)(3)(B). As noted when we adopted the previous certification procedure in September 1982, the mandate of the statutory provision is clear and leaves no discretion with the Commission. In our procedures we have attempted to follow its language and intent, as modified by the President, as closely as possible without placing an undue burden on motor carrier applicants. The uncertain duration of the moratorium militates against any lengthy consideration of public input in our decision. For the above reasons, we find that there is good cause to dispense with notice and comment procedures. Similarly, there is good cause under 5 U.S.C. 553(d)(3) for making the procedure effective on less than 30 days' notice. The removal of Canadian applicants from the prohibitions of the moratorium is already in effect, and our modification of the temporary procedure here merely recognizes that fact and clarifies the type of information presently needed by the Commission.

This action will not have a significant impact on the quality of the human environment or conservation of energy resources.

The provisions of 5 U.S.C. 603 require that the Commission examine the impact of our action on small businesses and small organizations. We can perceive no significant economic impact on small entities as a result of this temporary procedure.

This action is taken under the authority of 49 U.S.C. 10321, and 10922(1), and 5 U.S.C. 553.

Decided: April 13, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-10446 Filed 4-19-83 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree In Action To Enforce the Clean Water Act; City of Jacksonville

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on April 4, 1983, a proposed consent decree in *United States v. City of Jacksonville*, Civil Action No. 79-85-Civ-J-M, was lodged with the United States District Court for the Middle District of Florida.

The proposed consent decree resolves an action by the United States against the City of Jacksonville seeking injunctive relief and civil penalties under the Clean Water Act.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. City of Jacksonville*, D.J. No. 90-5-1-1-1980.

A copy of the proposed consent decree may be examined at the Office of the United States Attorney, Middle District of Florida, 409 Post Office Building, 311 West Monroe Street, Jacksonville, Florida 32201; the Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365; and the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-10432 Filed 4-19-83; 8:45 am]
BILLING CODE 4410-01-M

Proposed Consent Decree In Action To Enjoin Emission Of Air Pollutants; State Of New York Facilities Development Corp. et al.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States v. State of New York Facilities Development Corporation, et al.*, Civil Action No. 81-CV-482, has been lodged with the United States District Court for the Northern District of New York. The proposed consent decree would establish a compliance program for the State of New York's Rochester Psychiatric Center and Marcy Psychiatric Center, to bring those facilities into compliance with the Clean Air Act, 42 U.S.C. 7401 *et seq.*

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States v. State of New York Facilities Development Corporation, et al.*, D.J. Ref. No. 90-5-2-1-252.

The proposed consent decree may be examined at the office of the United States Attorney, Northern District of New York, Federal Building, Syracuse, New York 13201; at the Region II office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.10 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-10430 Filed 4-19-83; 8:45 am]
BILLING CODE 4410-01-M

Proposed Consent Decree In Action Under Clean Water Act To Require Defendant To Cease Illegal Discharges of Pollutants at the Gary Sanitary Wastewater Treatment Facility in Gary, Indiana

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States of America v. City of Gary and Gary Sanitation District*, Civil No. H 78-29, was lodged with the United States District Court for the Northern District of Indiana on March 25, 1983.

The proposed consent decree requires the City of Gary and the Gary Sanitation District to undertake certain measures to ensure that its wastewater treatment plant is operated in compliance with the Clean Water Act, 33 U.S.C. 1251 *et seq.*, including the restoration and reconstruction of existing equipment, and the implementation of operation, maintenance and staffing procedures and requirements.

The proposed consent decree may be examined at the office of the United States Attorney, Room 312 Federal Building, 507 State Street, Hammond, Indiana; at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois; and at the Office of the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Tenth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Please forward a check in the amount of \$1.60 (\$.10 per page) for each copy requested.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Tenth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States of America v. City of Gary and Gary Sanitation District*, D. J. Ref. 90-5-1-1-860.

Carol E. Dinkins,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-10431 Filed 4-19-83; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration**Importer of Controlled Substances; Registration**

By Notice dated March 11, 1982, and published in the Federal Register on March 19, 1982, (47 FR 11995), Stepan Chemical Company, Natural Products Department, 100 West Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration to be registered as an importer of Coca Leaf (9040), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21 Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: April 11, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-10464 Filed 4-19-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated February 22, 1982, and published in the Federal Register on February 29, 1982, (47 FR 13249), Stepan Chemical Company, Natural Products, 100 West Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II.
Ecgonine (9180)	II.

No comments or objections having been received and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 11, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-10463 Filed 4-19-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated February 1, 1983, and published in the Federal Register on February 1, 1983 (48 FR 6059), Pharmaceuticals Division, Ciba-Geigy Corporation, 558 Morris Avenue, Summit, New Jersey 07901, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Methylphenidate (1724), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: April 11, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-10462 Filed 4-19-83; 8:45 am]

BILLING CODE 4410-09-M

MERIT SYSTEMS PROTECTION BOARD**Appointment of Members to the Performance Review Board**

AGENCY: Office of the Special Counsel.

ACTION: Notice of appointment of members to the Performance Review Board.

SUMMARY: This notice publishes the names of Performance Review Board Members as required by 5 U.S.C. 4314 (c)(4).

The following persons have been appointed to, and will serve on the Performance Review Board for Senior Executives in the Office of the Special Counsel: Paul E. Klein, Baruch Fellner, Kenneth G. Caplan, Stephen L. Sharfman, Ernest Russell and Robert W. Butler.

EFFECTIVE DATE: April 12, 1983.

FOR FURTHER INFORMATION CONTACT: William E. Caldwell, Director, Operations Management Division,

Office of the Special Counsel, 1120 Vermont Avenue, NW, Washington, D.C. 20419, (653-7144).

Dated: April 13, 1983.

For the Office of the Special Counsel.
Approved:

K. William O'Connor,
Special Counsel.

[FR Doc. 83-10551 Filed 4-19-83; 8:45 am]

BILLING CODE 7400-02-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-364]

Alabama Power Co.; Grant of Relief From ASME Section XI Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Alabama Power Company (the licensee). The relief relates to the inservice testing program for the Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The ASME Code requirements are incorporated by reference in to the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of April 8, 1983.

The relief permits the licensee to test certain designated pumps and valves in a manner or on a schedule different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda, as required by 10 CFR Part 50, because of inaccessibility, configuration of components, radiation level, or other valid reasons.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this relief.

For further details with respect to this action, see (1) the application for relief

dated March 12, 1980, as revised March 17 and August 6, 1982, (2) the Commission's letter dated April 8, 1983 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of April, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 83-10548 Filed 4-19-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment removes the accuracy requirement on control rod position indication for Modes 3, 4, and 5.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazard consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 29, 1982, supplemented by letters dated December 8, 1982 and February 9, 1983, (2) Amendment No. 68 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of April, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 83-10547 Filed 4-19-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-142-OLA; (ASLPB No. 80-444-05 LA)]

The Regents of the University of California; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *The Regents of the University of California*, UCLA Argonaut-Type Research Reactor, Docket No. 50-142-OLA, is hereby reconstituted by appointing Glenn O. Bright to the Board in place of Dr. Oscar H. Paris, who because of a schedule conflict, is no longer able to serve.

As reconstituted, the Board is comprised of the following Administrative Judges: John H. Frye, Chairman; Emmeth A. Luebke, and Glenn O. Bright.

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Administrative Judge Glenn O. Bright,
Atomic Safety and Licensing Board
Panel, U.S. Nuclear Regulatory
Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland this 12th day of April, 1983.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety
and Licensing Board Panel.

[FR Doc. 83-10546 Filed 4-19-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Unit 1); Exemption

I

The Tennessee Valley Authority (TVA/licensee) is the holder of Facility Operating License No. DPR-33 which authorizes the operation of the Browns Ferry Nuclear Plant, Unit 1 (the facility) at steady-state power levels not in excess of 3293 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Limestone County, Alabama. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for test of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Section III.D.3 of Appendix J requires that Type C tests—which are defined as "tests intended to measure containment isolation valve leakage rates"—"shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years". Appendix J was published on February 14, 1973. At that time, all light water reactors were on a nominal annual refueling cycle. However, most light water reactors are now on an 18-month or two-year refueling cycle.

By letter dated March 29, 1983, TVA requested an exemption from the Type C test interval requirements of 10 CFR Part 50, Appendix J for eleven isolation valves at Browns Ferry Unit No. 1 to permit continued operation until Unit 2 is ready to restart following an extended outage. Unit 1 is currently scheduled to shut down for the Cycle 5 refueling outage on April 15, 1983. For the eleven isolation valves, the two-year test interval specified in Appendix J expires on April 11, or April 12, 1983. To account for a possible delay in returning Browns Ferry Unit 2 to power following the torus load tests now scheduled to be completed on April 10, 1983 (and which in turn is responsible for the postponement in shutting down Unit 1), TVA has requested an extension to the two-year test interval to May 6, 1983.

(i.e., a maximum extension of 25 days for any isolation valve).

The Browns Ferry units are on a nominal 18-month refueling cycle. During the past several years, the refueling outages have extended over a period of six to eight months. The extended outages have resulted from the various modifications being performed, the most significant of which has been the Mark I torus modifications. Browns Ferry Unit 1, which is the subject of this exemption, was scheduled to shutdown for refueling on March 1, 1983. However, the outage of Browns Ferry Unit 2 which shutdown on July 30, 1982, extended to March 18, 1983—over two months beyond that which had been projected. To avoid simultaneous multi-unit outages, TVA has been operating Unit 1 in a coastdown mode and rescheduled the refueling outage to April 15, 1983—about the time the startup tests are expected to be completed on Unit 2.

Browns Ferry Unit 1 shutdown for the last refueling modification in April 1981. The eleven isolation valves which are covered by this exemption were individually leak tested in accordance with Appendix J on April 11 and 12, 1981. Unit 1 did not startup until October 1, 1981, so there was a period of almost six months—about 25% of the two year Appendix J test interval—during which the valves were not exposed to any significant temperature, pressure or conditions which would likely degrade the valves.

We have determined that the exemption from the Type C testing frequency of Appendix J requested by the licensee for the eleven isolation valves identified in TVA's letter of March 29, 1983 should be granted on the following bases:

1. The condition of the eleven isolation valves is not expected to change significantly during the requested extension period, which is short in comparison with the two-year test interval specified in Appendix J. The extension in the test interval is for a maximum of 25 days for any valve; if Browns Ferry Unit 1 shuts down for refueling as presently scheduled on April 15, 1983, the extension in time for testing any valve would be a maximum of four days.

2. The intent of Appendix J was that isolation valves be tested during refueling outages. It was not the intent of Appendix J to require a shutdown solely to test isolation valves. The reason for the request by the licensee is to extend the test interval to coincide with the scheduled shutdown for refueling.

3. None of the eleven isolation valves are located on major primary systems;

in the event of an accident, they would not constitute a significant leakage pathway to the environment.

4. The two-year test interval specified for Type C tests in Appendix J was based on two years of expected exposure of valves to service. However, for about one quarter of the two-year period since the eleven valves were tested, Browns Ferry Unit 1 was in an extended outage during which the valves were not exposed to an operating environment. This should reduce any potential degradation of the valves.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption request:

Exemption is granted from the requirements of Section III.D.3 of Appendix J pertaining to the test frequency for conducting Type C tests on the eleven isolation valves identified in TVA's letter of March 29, 1983. The test interval may be extended to the next refueling outage of Browns Ferry Unit 1 but in no case shall extend beyond May 6, 1983.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 8th day of April, 1983.

For the Nuclear Regulatory Commission,
Darrell Eisenhut,
Division of Licensing, Office of Nuclear
Reactor Regulation.

[FR Doc. 83-10540 Filed 4-19-83; 8:45 am]

BILLING CODE 7590-0-M

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 78 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to permit the disconnecting of the electrical input to the local power range monitors during refueling outages.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 22, 1983, (2) Amendment No. 78 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 11th day of April 1983.

For the Nuclear Regulatory Commission,
Domenic B. Vassallo,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 83-10550 Filed 4-19-83; 8:45 am]

BILLING CODE 7901-01-M

RAILROAD RETIREMENT BOARD

Report Under Section 22 of the Railroad Retirement Act; Correction

AGENCY: Railroad Retirement Board.

ACTION: Notice of a report submitted to the President, the Speaker of the House, and the President of the Senate; correction.

SUMMARY: This document corrects the notice of a report submitted to the President, the Speaker of the House, and the President of the Senate on February

18, 1983, and which was published March 17, 1983 (48 FR 11363). This action is necessary to correct typographical errors appearing in that document. The errors mentioned below are very minor, do not change the substance of the information reported, and would not have required a printed correction except for item 2. The other changes are mentioned simply because a correction document is being prepared for item 2.

DATE: April 20, 1983.

The notice is corrected as follows:

1. On page 11364, column 2, second full paragraph, line 6, "estimates of hypothetical levels of" is corrected to read "estimates to hypothetical levels of".

2. On page 11364, column 2, the last paragraph is incomplete. The paragraph, as printed with a portion omitted, read: "Balance I" represents the balance in the Railroad Retirement Account on May 1 of the indicated year, assuming that the Railroad Unemployment Insurance Account after September 30, 1983. A negative balance indicates that the Railroad Account is in debt to the general fund; the magnitude of the negative number is the amount of the outstanding loan.

This paragraph, as reported to the President and the Congress, and for purposes of publication, is corrected to read:

"Balance I" represents the balance in the Railroad Retirement Account on May 1 of the indicated year, assuming that the Railroad Unemployment Insurance Account is allowed to continue borrowing from the retirement account. "Balance II" differs from Balance I in that it is based on the assumption that no loans are made from the Railroad Retirement Account to the Railroad Unemployment Insurance Account after September 30, 1983. A negative balance indicates that the Railroad Retirement Account is in debt to the general fund; the magnitude of the negative number is the amount of the outstanding loan.

3. On page 11365, column 1, item 3, line 5, the word "account" is corrected to read "Account".

4. On page 11365, column 2, last paragraph, lines 7 and 8, the words "Railroad Account" are corrected to read "Railroad Retirement Account."

Dated April 12, 1983.

By Authority of the Board.

James T. Brown,
Chief Executive Officer, Railroad Retirement Board.

[FR Doc. 83-10410 Filed 4-19-83; 8:45am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

(Release No. 22912; 70-6855)

Allegheny Power System, Inc.; Proposed Issuance and Sale of Common Stock

April 14, 1983.

Allegheny Power System, Inc. ("APS"), 320 Park Avenue, New York, New York, 10022, a registered holding company, has filed a declaration with the Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

APS proposes to issue and sell from time to time not more than 3,000,000 shares of its authorized and unissued common stock, par value \$2.50 per share ("Additional Common Stock") pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan") and its Tax Credit Employee Stock Ownership Plan ("PAYSOP"). The PAYSOP was formerly called the Tax Reduction Act Employee Stock Ownership Plan ("TRASOP"). By orders dated August 5, 1977, and April 29, 1980 (HCAR Nos. 20131 and 21542), the Commission authorized the issuance by APS of an aggregate of 3,000,000 shares under these plans, of which 1,899,073 and 690,938 shares have been issued pursuant to the Dividend Plan and the PAYSOP, respectively, as of December 30, 1982, the last date on which shares were issued under either of the plans. As of March 15, 1983, APS is authorized to issue 55,000,000 shares of its common stock, of which 47,587,242 shares are outstanding.

The Dividend Plan makes the following options available, on a voluntary basis, to all holders of record from time to time of common stock of APS: (a) To invest cash dividends automatically, on each quarterly dividend payment date, in Additional Common Stock, (b) to make optional cash purchases of not less than \$50 and not more than \$5,000 per quarter of Additional Common Stock provided that in each quarter the maximum aggregate amount of Additional Common Stock to be made available for purchase shall not exceed the number of shares which have been offered to, but not purchased by, the holders of shares of common stock with cash dividends, and (c) both (a) and (b).

In each case the price of the Additional Common Stock will be equal to the average of the daily high and low market prices of APS common stock as published in the Wall Street Journal Report of New York Stock Exchange Composite Transactions for the 10

Trading days prior to the dividend payment date. All costs and charges of participation in the Dividend Plan are paid by APS. A shareholder may withdraw from the Dividend Reinvestment part of the Dividend Plan at any time by giving appropriate written notice, and such withdrawal will have no effect on such shareholder's right to continue to make optional cash purchases. APS reserves the right to direct the administrator of the Dividend Plan to purchase shares in the open market, subject to any applicable regulatory requirements, with funds provided from participants' cash dividends and optional cash payments. In such event the price of any such shares to the participant will be the average cost of the shares excluding any related brokerage fees or commissions, which will be paid by APS. In the event optional cash payments exceed the number of shares available for optional cash purchases, that is the number of shares which have been offered to but not purchased by the holders of shares with cash dividends in that quarter, the available shares will be allotted among those who have made optional cash payments, in proportion to the amount of their optional cash payments, and any excess cash remaining will be refunded to participants without interest.

With respect to the PAYSOP, APS proposes to issue the Additional Common Stock to a trust created for the benefit of qualified employees of all system companies pursuant to the requirements of the Tax Reduction Act of 1975, as amended by the Tax Reform Act of 1976 and the Economic Recovery Tax Act of 1981. The amount of employer contributions which may be made to the trust (and hence the value of shares of Additional Common Stock so issued) is determined by applicable provisions of the Internal Revenue Code. In brief, contributions in respect of Plan years or portions thereof after December 31, 1982, are equal to varying percentages of Compensation (as defined) paid to Plan members less certain recaptured tax credits. The number of shares of Additional Common Stock to which each qualified employee shall be entitled will be computed in the proportion that the Compensation of each of them (not in excess of \$100,000 a year) bears to the total of all Compensation not in excess of \$100,000 of all such qualified employees in that year. The price of the shares will be equal to the daily average of the closing prices as published in the Wall Street Journal Report of New York Stock Exchange Composite Transactions for the 20 business days preceding the day

the stock is issued to the trust. The Additional Common Stock issued to the trust will be in consideration for the past labor and services of qualified APS System employees. All costs of administration of the PAYSOP, in excess of those allowed to be paid from contributions to the trust, will be paid by APS.

The proceeds from the issuance of the Additional Common Stock under the Dividend Plan and the tax savings which will be realized as a result of the PAYSOP, the total amount of which cannot be determined, will be used by APS to make capital contributions to its direct and advances to its indirect subsidiaries, to acquire notes or stock of such subsidiaries, and to finance other corporate needs.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 9, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-10479 Filed 4-19-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13159; 812-5144]

American Trading and Production Corp.; Filing of Application

April 13, 1983.

Notice is hereby given that American Trading and Production Corporation ("Applicant"). One North Charles Street, Baltimore, Maryland 21201, a Maryland corporation, filed an application on March 11, 1982, and an amendment thereto on September 30, 1982, pursuant to Section 3(b)(2) of the Investment Company Act of 1940 ("Act"), for an order of the Commission declaring that Applicant is primarily engaged in a business or businesses other than that of

investing, reinvesting owning, holding, or trading in securities, either directly or through wholly-owned subsidiaries, or through controlled companies. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it is a closely-held company, not subject to the registration and reporting requirements of the Securities Exchange Act of 1934, and that it has never made a public offering of its securities. It further represents that it is currently, and for a number of years has been, actively engaged in certain operating businesses: i.e., oil and gas exploration and development, marine transportation, real estate and manufacturing. It further states, however, that it falls within the definition of investment company set forth in Section 3(a)(3) of the Act, which defines as an "investment company" any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Applicant falls within this definition, it is stated, by reason of its ownership of the securities of the following issuers, in each of which it holds a less-than-majority interest: Crown Central Petroleum Corporation ("Crown Central"), Standard Oil Company (Indiana) ("Indiana"), Exxon Corporation ("Exxon"), Union Trust Bancorporation ("Union Trust") and U.S. F. & G. Corporation ("U.S.F. & G.").¹

¹ Indiana is a major "integrated" oil company, engaged primarily in the production, refining, transportation and marketing of petroleum and petroleum products, including petrochemicals. Applicant states. Crown Central, it is stated, is a "semi-integrated", domestic independent refiner-marketer of petroleum and petroleum products, also engaged in crude oil and natural gas production; through a subsidiary, Crown Central writes individual and group life and health insurance and individual annuities. Exxon, it is stated, is a major integrated, international oil company. Union Trust Bancorp is a bank holding company, the principal subsidiary of which is Union Trust Company of Maryland, which is engaged in the commercial banking and trust business, Applicant states. It is stated that the shares of Union Trust Bancorp presently held by Applicant were acquired by it in 1972 pursuant to the organization of Union Trust Bancorp as a bank holding company in exchange for the common stock of Union Trust Company of Maryland. Lastly, Applicant states the U.S.F. & G. is an insurance holding company which is engaged through subsidiaries in writing all types of insurance. Applicant represents that it acquired its holdings of Union Trust Bancorp and U.S.F. & G. through open-market purchases, from stock

Notwithstanding its status according to the provisions of Section 3(a)(3), Applicant contends that its operating activities and those of its wholly-owned subsidiaries, together with the operation of Crown Central, in which Applicant holds a controlling interest and through which it claims to be doing business, afford a basis upon which the Commission should find, pursuant to the provisions of Section 3(b)(2) of the Act, that Applicant is primarily engaged in businesses other than that of investing in, owning, or holding securities. Section 3(b)(2) of the Act excludes from the definition of investment company, any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (A) through majority-owned subsidiaries, or (B) through controlled companies conducting similar types of business. Applicant asserts, in general, that its historical development, public representations of policy, the nature of its present assets and the sources of its present income support the conclusion that it is primarily engaged in operating businesses rather than the business of investing in securities.

Applicant traces its origins to the period before 1920, when Louis Blaustein and his son Jacob became engaged in the oil and gas business (it is stated that all of Applicant's existing stockholders received their interests from Louis and Jacob Blaustein, their descendants or the spouses of their descendants, or as the result of recapitalization and stock dividends). Applicant states that the Blausteins originally operated their businesses in partnership form, later organizing them as wholly-owned corporations, Lord Baltimore Filling Stations, Inc., ("Lord Baltimore") organized in 1921, and The American Oil Company ("American Oil"), organized in 1922. These companies (jointly referred to as "American Oil"). Applicant states, were basically distributors of petroleum products, such as gasoline and kerosene, and did not have refineries, facilities for crude oil production, or bulk transportation capability. Therefore, it is stated, it was necessary for American Oil to purchase all of the gasoline it marketed from Standard Oil Company of New Jersey ("Jersey Standard"), American Oil's principal competitor. To alleviate this disadvantage, Applicant states, in 1923 the Blausteins sold half of

dividends and splits, and through rights offerings from 1942 through 1960.

the stock of American Oil to Pan American Petroleum and Transport Company ("Old Pan-Am"), which was not a competitor and which engaged in crude oil production, refining and transportation, but did not have sales outlets or marketing facilities. An agreement providing for the management of American Oil and a long-term supply contract for gasoline accompanied this transfer, Applicant states.

It is further stated, however, that difficulty with this arrangement arose from the acquisition by 1930 of most of the stock of Old Pan-Am by Indiana, the management of which wanted to transfer Old Pan-Am's crude oil refining properties to Jersey Standard, thereby making American Oil again dependent upon a competitor for products. To avert that result, Applicant states, the Blausteins advocated that American Oil acquire an interest in Crown Central, which had refining facilities that could be developed to meet American Oil's requirements. Indiana management, Applicant states, would not agree to this proposal; therefore, in November 1930, the Blausteins themselves acquired a nearly 50 percent interest in Crown Central. At this time, Applicant notes, Crown Central was a small corporation engaged principally in producing and selling at wholesale refined products from a single refinery in Texas, having annual revenues of less than \$4,000,000.

It is further stated that as friction between the Blausteins and Indiana management continued, and because it would be necessary to borrow in order to bring about the expansion of Crown Central, in 1931 the Blausteins decided to organize Applicant, and transfer to it their entire investment in Crown Central² and approximately half of their interest in American Oil in exchange for all of Applicant's capital stock. In acquiring the American Oil interest, it is stated, Applicant would obtain an asset which it could utilize as security to obtain financing for the Crown Central expansion.

After the Crown Central acquisition, Applicant states, Henry A. Rosenberg, a son-in-law of Louis Blaustein and formerly an executive of American Oil, became president and chief executive officer of Crown Central, while remaining a director of Applicant.³ The

Blausteins, it is stated, continued as principal officers, and directors, of American Oil, but also became participants in important management decisions regarding Crown Central.

Applicant further states that in 1933 the strategy of marketing Crown Central products through American Oil was deferred in conjunction with the reorganization of Old Pan-Am into a new entity, also named Pan-American Petroleum and Transport Company ("New Pan-Am"), which acquired all of the stock of American Oil owned by the Blausteins, by Applicant, and by Old Pan-Am. It was intended that New Pan-Am would construct a refinery with capital funds provided by Indiana, and would, in general, combine with American Oil into an integrated oil company. The Blausteins became officers and directors of New Pan-Am and various subsidiaries in the aftermath of this restructuring. It is further stated, however, that plans for an integrated oil operation did not materialize to the Blaustein's satisfaction, and in 1937, they sued Indiana to compel Indiana to co-operate with them in the management of New Pan-Am in the manner allegedly contemplated by the 1933 reorganization. With the advent of this lawsuit, Applicant states, the Blausteins resigned as officers of New Pan-Am, but various officers and directors of Applicant remained directors of New Pan-Am and its subsidiaries as well as members of management committees of these entities. Substantial amounts of time were expended by Applicant's officer and other employees on the Indiana litigation, it is also stated.

The Blaustein's proceeding against Indiana was finally settled in 1954, Applicant states, with the merger of New Pan-Am into Indiana. In that merger, it is stated, Applicant received shares of Indiana stock for its shares of New Pan-Am. On the basis of those Indiana shares, Applicant states, it has received dividends from time to time paid in capital stock of Jersey Standard, and in 1972, Applicant's shares of Jersey Standard were converted in a reorganization into shares of Exxon.⁴

⁴ In Applicant's view, the origin of its acquisition of the investment securities it now holds, as described hereinabove, tends to diminish the importance of these assets in the determination of whether Applicant is primarily engaged in the business of investing in securities. In a related vein, Applicant finds support for the contention that it is not primarily engaged in the business of investing in securities in the fact that none of its more than 1,300 employees is engaged in trading or investing in securities, not has it sold any investment securities since the passage of the Act in 1940, other than certain concurrent sales and repurchases of identical numbers of shares of Jersey Standard for

Applicant states, in addition, that from the time of the Indiana reorganization in 1954, until the death of Jacob Blaustein in 1970, officers and employees of Applicant continued to administer on-going operations at Indiana, although the amount of time they devoted to Indiana was substantially reduced. Since 1970, it is stated, no one associated with Applicant has been a director of Indiana, and activities on the part of Applicant with regard to Indiana have been limited to attendance at stockholders' meetings and occasional informational meetings with Indiana's management.

With respect to its relationship to Crown Central, Applicant states that it exercises effective control of the large petroleum producer through ownership of Crown Central voting securities, noting that its Crown Central stock has represented over half of the total shares present and voting at every meeting of Crown Central stockholders since 1931. It is further stated that although pursuant to agreement Applicant and Crown Central have never had common officers, there have been three common directors of the two companies at all times since Applicant became a Crown Central securityholder.⁵ It is conceded that from 1955 to 1971, the chief executive officer of Crown Central was not a director of Applicant, but it is further noted that during that period Henry A. Rosenberg, Jr., who was a director of Applicant, was also a director and an employee of Crown Central, becoming president and chief executive officer of Crown Central in

tax purposes, and sales of fractional shares received in reorganizations and pursuant to stock dividends. Applicant also notes that less than 2 percent of the total working hours of its senior executive officers is allocated to matters which relate to Applicant's investment securities (it may be inferred from this representation that included within the less-than-2 percent limitation is the time allocated by the two directors of Applicant who are also directors of Union Trust Bancorp to their responsibilities as members of the bank holding company's board, and the hours expended by the director of Applicant who is also a director of U.S.F.&G. in connection with his directorship of that insurance holding company; also included within the less-than-2 percent ceiling may be the hours consumed by the senior executive officers of Applicant in attending annual meetings of Union-Trust Bancorp, U.S.F.&G. and Indiana). Lastly, Applicant asserts that it is engaged in the businesses in which Crown Central is engaged and that therefore, Applicant's Crown Central stock should not be regarded as investment securities for purposes of ascertaining whether Applicant is primarily engaged in the business of investing in securities.

⁵ It is stated that Crown Central currently has 14 directors, three of whom are also directors of Applicant, and another of whom is a member of a law firm which is general counsel to both Applicant and Crown Central.

² Applicant presently owns approximately 49.15 percent of Crown Central Class A Common Stock, and approximately 42.26 percent of Crown Central Class B Common Stock.

³ It is noted that Mr. Rosenberg's son, Henry A. Rosenberg, Jr., is the current chief executive officer and president of Crown Central.

1971. In addition, the advisory committee of Applicant's board of directors regularly considers action that may be taken in connection with the operation of Crown Central. Applicant states, and two of Applicant's directors occupy positions on the Crown Central executive committee, while one of Applicant's directors is a member of the audit committee of Crown Central. With regard to decisions affecting Crown Central requiring stockholder approval, it is stated that such matters are normally discussed by Crown Central's management with Applicant's management, but that Applicant has not otherwise participated in management of Crown Central since 1970 save through the functions of common directors.

In brief, Applicant asserts that its role in the administration of Crown Central's businesses is in many respects as extensive as that of a parent corporation in the operation of a majority-owned subsidiary sufficiently large to have its own full-time executive and administrative personnel.

Crown Central's operations have grown dramatically since the 1930's, such that currently the company produces more 3,6000 barrels of crude oil per day, Applicant states, and has over nine million barrels of reserves. It is further stated that Crown Central produces over 35,800 MCF (thousand cubic feet) of gas per day, and has over 52,000,000 MCF of reserves. Crown Central also owns a 100,000 barrel-per-day refinery, as well as marketing facilities and pipelines, it is stated. Applicant notes that for 1981 Crown Central was ranked No. 242 on the *Fortune* list of the 500 largest industrial companies, with revenues of \$1,500,000,000, and assets exceeding \$540,000,000. Applicant has participated actively in the planning and implementation of all of the significant stages of the Crown Central expansion, it is also stated.

Applicant further states that Crown Central's operations are similar to the oil and gas operations which Applicant conducts directly and through subsidiaries. It is stated that Applicant has engaged in exploration for oil and gas in the United States since 1936, and in Canada since 1969. An average of 62 full-time executive, professional, administrative and support personnel are currently employed in this business, it is stated. Applicant further states that drilling operations are conducted for it by independent contractors, but that Applicant owns outright all of its oil and gas properties. It is also stated that while in certain cases Applicant owns

100% of the operating interests in particular properties, in many instances it owns only an undivided fraction of the entire operating interest.

It is further stated that Applicant's marine transportation business was an outgrowth of petroleum and natural gas operations in which it was involved in the 1930's. Its initial endeavor in the field of marine transportation began in 1938, Applicant states, with the shipment of petroleum products primarily for Crown Central, by means of a single oil tanker. Following World War II, it is stated, Applicant's transport operations were diversified and augmented, such that, Applicant currently (though subsidiaries) owns and operates five oceangoing vessels engaged in the transportation of petroleum products, other liquid commodities such as alcohol and petrochemicals, and grain. Applicant represents that on December 31, 1981, its vessels had a deadweight tonnage (carrying capacity) of 190,000 tons, and that three additional tankers which have been under construction will increase the deadweight tonnage of Applicant's fleet by 132,000 tons. It is further stated that the operation of five tankers currently in use requirements that Applicant employ the equivalent of 92 officers and 217 crew members working 40 hours per week. Applicant states that it maintains a supervisory staff of 27 executive, administrative, professional and support personnel to oversee its marine transportation business. Overall, Applicant states, the number of persons it employs in tanker operations exceeds 210.

The remaining businesses in which Applicant states that it is engaged are real estate and manufacturing. Since the 1950's, Applicant states, it has conducted substantial real estate operations, initially involving urban renewal projects in Baltimore, MD, and presently including the construction, ownership and operation of commercial and residential properties. Applicant represents that its current operating properties consist of seven office buildings (having more than 1,700,000 rentable square feet), a 282-unit apartment project, two parking garages, a shopping mall/office tower complex, and a recreational property associated with a condominium project. An additional office building having approximately 122,000 square feet of rentable space has recently been completed, it is stated. Applicant states that it employs over 210 persons in its real estate business.

Applicant states, in addition, that its manufacturing operations had their inception in 1961 and that its products

presently include microphone stands and accessories, horn-type loudspeakers, alarm devices and lamination stampings used in electric motors and transformers. It is further stated that Applicant's consumer products consist of a wide range of serving accessories and giftware sold under the trade names Kromex, Etco and Ernest Sohn Creations. At December 31, 1981, Applicant states, 203 executive, administrative, professional and support personnel were engaged in Applicant's manufacturing operations, while 529 production employees were engaged in these functions.

In further support of its contention that it is not primarily engaged in the business of investing in, owning, or holding securities, Applicant represents that it has never held itself out as an investment company, either to its own securityholders or to the general public. For example, Applicant cites the statement of its business purposes contained in its certificate of incorporation, and the summaries of its business operations contained in its annual reports to shareholders for 1980 and 1981.

Applicant further represents that it has been described in reports issued by Dun & Bradstreet, Inc. as a producer of crude oil and natural gas, manufacture of giftwares; communication equipment and lamination; owner and operator of a tanker fleet; and developer and operator of commercial property. It is stated that these reports also disclose that a substantial part of Applicant's net worth is represented by stock investments not included in current assets. In addition, in sales literature pertaining to one of its real estate ventures, Applicant states, Applicant has been described as a "substantially diversified, privately held corporation," which is directly engaged in "the exploration and production of crude oil and natural gas; the ownership and operation of a fleet of ocean-going tankers; and the manufacturing of electronic communications equipment and quality kitchenware and giftware . . ."

Applicant further states that in proxy statements distributed by companies in which it has invested, Applicant has generally been described as a diversified industrial company engaged in marine transportation, oil and gas development, real estate development and manufacturing. For example, it is stated that in Crown Central's proxy statement Applicant is said to be engaged in "oil and gas exploration and production; tanker transportation; commercial and residential real estate; [and] diversified manufacturing."

In analyzing the nature of its present assets, Applicant emphasizes the lengthy chronology of developments leading up to its current position, citing the fact that over 99% (excluding Crown Central stock) of the market value of its investment securities consist of stock (shares of Indiana and Exxon) acquired as the result of reorganizations, recapitalizations, stock dividends and similar non-purchase transactions evolving from the assets with which the Blausteins initially capitalized Applicant in 1931. Substantial gains in the market values of these passive investments, Applicant notes, have accompanied the diversification and expansion during this period of Applicant's operating businesses. Hence, in Applicant's case, it is asserted, it may be unrealistic to evaluate Applicant's status under the Act by measuring the worth of its investment securities by current market prices, while looking solely to net book values (historical cost minus depreciation, depletion, and amortization) in valuing operating assets. In this regard, Applicant further states that in the course of certain valuations of its assets made recently by investment bankers, the financial advisers expressed the opinion that the several businesses conducted directly by Applicant and its subsidiaries have aggregate values which substantially exceed those that are indicated by a simple examination of balance sheets prepared in accordance with generally accepted accounting principles. Applicant notes further that the Commission itself has recognized that in the case of oil and gas operations, traditional accounting principles, which give effect only to historical cost minus depletion and depreciation and do not reflect proven oil and gas reserves as assets, do not produce meaningful reporting of earnings and financial condition.

With regard to its sources of present income, Applicant states that it derives revenue from three sources: its directly-operated businesses, including wholly-owned subsidiaries, dividends from Crown Central, and dividends from the four remaining non-subsidiary companies in which it holds interests. Applicant concedes that the net income after taxes that it receives from dividends in respect of investment securities (excluding its Crown Central stock) is currently, and in prior years has been, greater than the net after-tax income Applicant derives from its operating businesses. Applicant states, however, that the receipt of dividend income involves minimal expenses, whereas the production of operating

income involves substantial costs and expenses, which are deducted to arrive at pre-tax earnings. Moreover, non-cash items such as depreciation and depletion further reduce Applicant's operating income and thus the ratio of this class of income to after-tax earnings, but, Applicant states, as a practical matter, by sheltering income from taxation, these non-cash deductions actually increase the amount of funds available for further expansion of business operations. Applicant further notes that the reduction of operating income by pre-tax deductions is particularly significant in the case of a company as Applicant, engaged in substantial oil and gas exploration activities, because, under the successful efforts method of accounting, which Applicant utilizes, unsuccessful drilling ventures are immediately charged to current expense, rather than capitalized.

Thus, Applicant believes that rather than focusing upon after-tax earnings, its status as an operating company, rather than an investment company, can more appropriately be ascertained by comparing its investment income with total revenues, or with total earnings before taxes. Applicant also cites the ratio of its dividends from non-controlled companies to total funds provided from all operations in support of its assertion that it is primarily engaged in businesses other than that of investing in securities. In summary, it is stated that Applicant derives more revenue, pre-tax earnings and available funds from the conduct of its operating businesses than from dividends paid by non-controlled companies in which it has investments.

Lastly, Applicant directs attention to the growth experienced by its operating businesses as indicative that earnings from these segments may be expected to advance, rather than recede, in relation to investment income in future years. It is stated, for example, that revenues derived by Applicant from crude oil and natural gas exploration and production are more than 300 times greater today than in 1937. Applicant's first full year of production. It is further stated that since 1938, a more than 12-fold increase in the deadweight tonnage of applicant's marine transportation fleet has been attained, concomitant with a greater than 60-fold increase in freight revenues. Moreover, Applicant also states that it is presently engaged in a major expansion of its fleet as a result of which deadweight tonnage should increase by more than 69% and total investment (before depreciation) in vessels should quadruple. In addition, it is noted that Applicant's 1981 results represent a

more than 3,000% increase in total sales by its manufacturing operations, and that planned improvements on building sites that applicant owns will more than double Applicant's gross investment in real estate properties. Finally, Applicant represents that its policy, established by its board of directors and communicated to its shareholders, is to use available funds to meet the needs of its operating businesses, and to expand and increase those businesses, and that the great majority of funds retained after payment of dividends and retirement of capital stock and long-term debt, has been utilized in this manner is each of the past five years.

In view of the foregoing, Applicant submits that it is entitled to an order pursuant to Section 3(b)(2) of the Act declaring that it is primarily engaged, both directly and through subsidiaries and controlled companies, in businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-10477 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13161; 812-5452]

BC Funding, Inc.; Filing of Application

April 14, 1983.

Notice is hereby given that BC Funding, Inc. ("Applicant"), 165 Broadway, New York, NY 10080, a Delaware corporation, filed an application on February 8, 1983, with amendments thereto on March 30, 1983

and April 5, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant represents that its sole business will consist of selling Applicant's commercial paper notes in the United States and utilizing the proceeds to purchase promissory notes of Barclays Bank of Canada ("Barclays Canada"), a Canadian banking corporation, and that substantially all of Applicant's assets will consist of a master promissory note of Barclays Canada payable to the order of Applicant ("Deposit Note"), evidencing purchases by Applicant ("Purchases") of indebtedness of Barclays Canada. The maturity of each Purchase will match the maturity of the commercial paper note issued by Applicant to fund that Purchase. To support repayment of the indebtedness evidenced by the Deposit Note, the New York branch of Barclays Bank International Limited ("New York Branch") will issue an irrevocable letter of credit ("Letter of Credit") in favor of Applicant for the account of Barclays Canada. Neither Barclays Canada nor Barclays Bank International Limited ("BBI"), nor any of their affiliates, will own, directly or indirectly, any equity or other securities of Applicant.

Applicant states that Barclays Canada is a wholly-owned subsidiary of BBI, a commercial bank organized under the laws of the United Kingdom. BBI is a wholly-owned subsidiary, and the international banking arm, of Barclays Bank PLC ("Barclays"), a commercial bank organized under the laws of the United Kingdom. Each of Barclays Canada, BBI and Barclays has received an order exempting it from all provisions of the Act in connection with its offering of commercial paper in the United States (Barclays Canada on March 9, 1982/Release No. IC-12281; BBI on March 14, 1980/Release No. IC-11089; and Barclays on March 14, 1980/Release No. IC-11090).

Applicant proposes to issue and sell in the United States, short-term negotiable promissory notes of the type exempt from the registration requirements of the Securities Act of 1933 ("Securities Act") by virtue of paragraph 3(a)(3) thereof and generally referred to as commercial paper ("Notes"). Applicant represents that the Notes will be sold in minimum denominations of \$100,000, will have a maturity not exceeding 270 days, and

will neither be payable on demand prior to maturity nor eligible for any extension, renewal, or automatic "rollover" at the option of either the holder or the issuer.

Applicant undertakes not to market any Notes prior to receiving an opinion of counsel to the effect that the proposed offering of Notes is exempt from the Securities Act's registration requirements by virtue of paragraph 3(a)(3) thereof. Applicant further undertakes that, in respect of any future offerings of Applicant's debt securities in the United States other than the Notes, Applicant will obtain an opinion of counsel as to the availability of an exemption from the registration requirements of the Securities Act. Applicant does not request Commission review or approval of counsel's opinion regarding the availability of an exemption for the Notes under paragraph 3(a)(3) of the Securities Act.

Applicant states that, except for amounts needed to pay fees due Applicant's commercial paper dealer, Applicant will utilize all proceeds from the sale of the Notes to make Purchases. Applicant states that the proceeds of the Purchases will be used by Barclays Canada for current transactions. Applicant states that it will issue Notes only pursuant to requests from Barclays Canada with a specified range of rates and maturities. Applicant represents that it will issue Notes only in aggregate amounts substantially equal to the amount of indebtedness which Barclays Canada requests Applicant to purchase.

Applicant undertakes to select the corporate trust department of a major commercial bank to act as its issuing and paying agent for the Notes ("Depository"). The Depository will receive the proceeds from Applicant's sales of the Notes and will collect payments made in respect of the Deposit Note upon maturity. As trustee for the benefit of the holders of the Notes, the Depository will receive an assignment of all of the Applicant's rights, title and interest in and to the Deposit Note. The New York Branch will issue the Letter of Credit in favor of Applicant to support payment by Barclays Canada to Applicant of amounts due in respect of the Deposit Note. The Letter of Credit will provide that funds drawn thereunder will be payable to the Depository, as trustee for the benefit of the holders of the Notes. Any drawing required to be made under the Letter of Credit to obtain funds in respect of Barclays Canada's obligations to Applicant will be made by the Depository on behalf of Applicant.

Applicant represents that each Purchase will have the same maturity date as, and will be made on a discount or interest-bearing basis at, a rate not less than the rate of the Notes issued by Applicant to obtain funds to make the Purchase. Payments will be made into a special purpose trust account established by the Depository ("Commercial Paper Account") to be applied to the payment of Notes. Applicant represents that the Deposit Note will be a direct liability of Barclays Canada and will rank *pari passu* with all other unsecured indebtedness of Barclays Canada, including deposit liabilities of Barclays Canada (except to the extent deposits are secured or subject to priorities created by Canadian laws). Applicant estimates that in the first year in which the Notes are issued, the aggregate face amount outstanding will average approximately \$200,000,000.

Applicant represents that the amount of the Letter of Credit will be not less than the amount payable by Barclays Canada to Applicant in respect of the Deposit Note. Applicant expects that maturing Notes will be repaid from payments received by Applicant in respect of the Deposit Note. Applicant represents that the Letter of Credit will provide that the Depository may make drawings thereunder to the extent that Barclays Canada fails to pay into the Commercial Paper Account any amount owed to Applicant by Barclays Canada in respect of the Deposit Note. Applicant represents that the Letter of Credit will rank *pari passu* with all other unsecured and unsubordinated indebtedness of BBI, including deposit liabilities of BBI, except to the extent that such deposits are secured or subject to priorities created by English, New York State or Federal law.

Applicant represents that the Notes will be offered publicly, through one or more major commercial paper dealers, only to the types of sophisticated and largely institutional investors that ordinarily participate in the United States commercial paper market. Applicant states that, while an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering will not be advertised. Applicant undertakes to ensure that each offeree of the Notes will be furnished with a memorandum describing the businesses of Barclays Canada, BBI and Applicant and containing the most recent publicly available audited financial statements of Barclays Canada and BBI. Each memorandum will be at least as comprehensive as memoranda

customarily used in offering commercial paper in the United States. Each memorandum will also include a description of material differences between generally accepted accounting principles followed in the United States and those followed in Canada or the United Kingdom. In the event of subsequent offerings, each memorandum will be updated at the time thereof to reflect material changes in the respective financial positions of Barclays Canada and BBI.

Applicant represents that Barclays Canada and BBI will submit to the jurisdiction of any State or Federal court in the City of New York, and Barclays Canada and BBI will authorize an agent to accept service of process in any action against Barclays Canada, based on the Deposit Note, or against BBI, based on the Letter of Credit. Applicant further represents that the consents of Barclays Canada and BBI to jurisdiction, and appointment of an agent to accept service of process, will be irrevocable until all amounts due and to become due in respect of the Notes have been paid.

Applicant represents that, prior to their issuance, the Notes, and any future issue of Applicant's debt securities other than the Notes, offered for sale in the United States, will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that its United States counsel will have certified that such rating has been received. However, no such rating shall be required with respect to any future issue of Applicant's debt securities other than the Notes if, in the opinion of counsel, an exemption is available for the issue pursuant to Section 4(2) of the Securities Act.

Section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person, security, or transaction from the provisions of the Act if and to the extent that such exempt is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemptive relief requested, Applicant states that the Bank Act prohibits the establishment of foreign branches or foreign subsidiaries by foreign-owned Canadian banks. As a result, Barclays Canada has determined that the most economical means of gaining access to the United States commercial paper market is through Applicant, which is unaffiliated through ownership with Barclays Canada. Applicant asserts that, except for that

lack of affiliation, its operations would be virtually identical to the operations of foreign bank subsidiaries which have been granted exemptions under Section 6(c) of the Act and, like the operations of those subsidiaries, would be conducted for the sole purpose of providing funds to a foreign bank which is not an investment company.

Applicant maintains that denial of its requested exemption would have the unintended effect of reinforcing, to the detriment of foreign parents of Canadian banks, the provisions of Canadian banking law which discriminate against foreign-owned Canadian banks and place them at a competitive disadvantage *vis-a-vis* Canadian-owned banks. In addition, a failure to exempt Applicant would channel the benefits of the capital raised in the United States commercial paper markets for the account of Canadian banks to Canadian-owned banks rather than to both Canadian-owned and non-Canadian-owned Canadian banks. Applicant contends that since its purpose, characteristics, and operations would be virtually identical to those of the United States subsidiaries established by foreign banks to which the Commission previously has granted exemptions under Section 6(c) of the Act, it would be in the public interest to grant Applicant an exemption which would have the effect of placing foreign-owned Canadian banks on the same footing as competing Canadian-owned Canadian banks. Applicant asserts that the Commission's grant of the exemption requested in this application would not confer on Barclays Canada any advantage over United States banks in connection with issuances of commercial paper.

Applicant asserts that approval of the application would be consistent with the protection of investors. Applicant maintains that its limited business purpose and its obligation to invest only in the Deposit Note, the repayment of which is supported by the Letter of Credit, obviate the need for the regulatory safeguards provided by the Act. Applicant further maintains that, as a special purpose corporation created solely to sell the Notes and utilize the proceeds of the sales to make Purchases from Barclays Canada, its only "investment" activity would be the acquisition of a Canadian bank promissory note supported by letters of credit issued by the New York branch of a major foreign bank.

In addition, Applicant asserts that the rationale underlying the exemptions which have been granted to foreign bank subsidiaries formed for the purpose of selling commercial paper in

the United States and advancing the proceeds to the subsidiaries' parents extends to Applicant. Applicant states that, as in the case of foreign bank subsidiaries, its sole activity will be to provide funds for a foreign bank—Barclays Canada—when and in the amounts requested by Barclays Canada. Applicant further states that, as in the case of foreign bank subsidiaries, because the maturity of each Purchase is identical to the maturity of the Notes issued by Applicant to obtain funds to make the Purchase and because the amount payable by Barclays Canada in respect of the Deposit Notes is at least equal to the amount payable by Applicant in respect of the Notes, repayment of the Notes is, in effect, guaranteed by substantial banking entities—in Applicant's case both Barclays Canada, the obligor on the Deposit Notes, and BBI, the issuer through the New York Branch of the Letter of Credit supporting Barclays Canada's obligations with respect to the Deposit Notes.

Applicant asserts that Barclays Canada and BBI, like United States banks which are exempted from the Act pursuant to paragraph 3(c)(3) of the Act, are each subject to a comprehensive bank regulatory scheme which, like the regulatory schemes applicable to banks organized under the laws of the United States or under State law, adequately protects depositors; in addition, the Depositary, as trustee on behalf of the holders of the Notes, will have the benefit of the Letter of Credit. Applicant states that the characteristics of the Notes themselves also limit the possible exposure of United States investors.

Finally, Applicant contends that approval of this application would be consistent with the purposes intended by the policy and provisions of the Act. Applicant contends that, as a special purpose corporation established solely to issue commercial paper in the United States to obtain funds to make Purchases from Barclays Canada, Applicant's operations do not lend themselves to the abuses against which the Act was directed.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above.

Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A Fitzsimmons,
Secretary.

[FR Doc. 83-10486 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 851; 803-25]

Bogey Enterprises, Inc.; Filing of Application

April 13, 1983.

Notice is hereby given that Bogey Enterprises, Inc. ("Applicant"), 2020 K Street N.W., Washington, D.C., 20006, a District of Columbia corporation, registered as an investment adviser under the Investment Advisers Act of 1940 ("Act"), filed an application on July 20, 1982, with amendments thereto on January 28, 1983, March 4, 1983, and April 12, 1983, requesting an order of the Commission pursuant to Section 206A of the Act, exempting the performance-based fee arrangement between Applicant and its investment advisory clients, from the provisions of Section 205(1) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of Section 205(1) thereof.

Applicant states that it specializes in the provision of investment advice and related financial services to individuals, primarily professional athletes, who have substantial incomes but do not have the time or inclination personally to oversee their investment portfolios. Applicant further states that, while it has custody of its clients' funds, it does not have investment discretion with respect to such funds; investment recommendations made by Applicant are effected only at the client's direction.

Applicant states that the individual needs of most of its clients are for investments which provide capital appreciation and/or long-term income. Applicant states that the majority of its investments in real estate or in oil and gas concerns. Applicant further states that it encourages its clients to keep a

lesser percentage of their assets in relatively high-yielding, high quality investments, both for liquidity purposes and on an interim basis, pending investment elsewhere.

Applicant states that it currently supervises 41 accounts with an approximate aggregate value of \$1,392,692. Applicant further states that the fee which it presently charges its clients is an annual retainer equal to the greater of 2% of the total value of assets under management, or \$5,000; it charges clients for whom Applicant's chief executive officer, Mr. Richard A. Bennett, Jr. ("Mr. Bennett") also performs significant legal services, a retainer equal to the greater of such 2%, or \$3,000.

Applicant proposes to restructure its fee arrangements as follows. The new fee structure would feature an annual fee, for investment advice, of two percent of assets under management. There would be a separate charge for administrative services to clients, currently provided by Applicant without separate compensation. With respect to investments made in certain real estate and oil and gas partnerships, two additional fees would be payable to Applicant and/or Mr. Bennett. The first, a management fee equal to 15% of the partnership's net operating income, would be payable quarterly to the general partner(s) of each partnership ("advisory partners"). The second fee would be a fee based on a percentage of capital gains ("performance-based fee"), payable to the advisory partners, that is the subject matter of this application.

Applicant states that the performance-based fee would be payable only with respect to investments which have at least the following attributes. Each investment would be a limited or general partnership interest in a partnership engaged in the real estate or the oil and gas business; Applicant and/or Mr. Bennett would serve as a general partner of each partnership. As general partner, the advisory partner(s) would make an aggregate capital contribution to each partnership of at least one percent of the aggregate capital contribution of all partners and would have in the aggregate at least a one percent interest in the profits and losses of each partnership. No advisory partner would be permitted to withdraw or reduce its minimum capital contribution. Interests in each partnership would be offered and sold pursuant to an exemption from the prospectus delivery requirements of Section 5 of the Securities Act of 1933 and, in most instances, pursuant to Regulation D under the Securities Act of 1933. Each partnership would have at least one

limited or general partner who was not advised by, or affiliated with, Applicant and who was either an accredited investor (as defined in Regulation D) or was advised with respect to the investment by a purchaser representative (as defined in Regulation D), unaffiliated with Applicant. At least one of the unaffiliated investors in each partnership would have (or would be advised by a purchaser representative having) such knowledge and experience in financial and business matters that he would be capable of evaluating the merits and risks of the prospective investment ("unaffiliated sophisticated investor"). Applicant states that its clients would not be allowed to acquire interests in any one partnership if the purchase price of the interest would exceed 15% of the client's total assets, at the time of such investment, nor would the aggregate purchase price of interests in all such partnerships exceed 33% of a client's total assets at the time such purchase is made. In addition the amount invested in any one partnership by each of Applicant's clients would not exceed the largest amount invested in that partnership by an unaffiliated sophisticated investor. Each of Applicant's clients would have assets in addition to the investment account advised by Applicant. Both Applicant's clients and the investors who are not Applicant's clients would acquire interests in the partnerships which were identical in all respects other than the amount.

With respect to the performance-based fee which the advisory partners seek to receive in their capacity as general partners, the general partner(s) would determine for each partnership, for each quarter, the realized capital gains for that quarter, if any, net of all realized capital losses and unrealized capital depreciation for that quarter and for all prior quarters ("Net Capital Gains"). Net Capital Gains distributed to the partners in the partnership (including, but not limited to, Applicant's clients) would be reduced by the advisory partners' performance-based fee in the following manner:

1. five percent (5%) of the first five percent (5%) of distributed Net Capital Gains;
2. ten percent (10%) of the second five percent (5%) of distributed Net Capital Gains;
3. fifteen percent (15%) of the third five percent (5%) of distributed Net Capital Gains; and
4. twenty percent (20%) of distributed Net Capital Gains in excess of fifteen percent (15%).

The performance-based fee would be calculated by reference to the cost to the partnership of the asset giving rise to such gains. Such calculation would be made on a cumulative basis, commencing as of January 1, 1983. Capital gains realized upon the sale of all or substantially all of the partnership's assets or upon its dissolution would be subject to the same performance-based fee. If a partnership had more than one general partner, the allocation of the performance-based fee among the general partners would be determined in accordance with the partnership agreement.

Applicant represents that the proposed performance-based fee, described above, would be received by the advisory partners only in those instances where they were serving as a general partner of the particular partnership and, accordingly, might be characterized as other than an investment advisory fee. Applicant states that, without conceding that the proposed performance-based fee is an investment advisory fee, solely for purposes of obtaining the exemptive relief requested in this application, it will assume that the performance-based fee which Applicant proposes to receive, would be proscribed by Section 205(1) of the Act.

Section 206A of the Act provides, in pertinent part, that the Commission may, by rules and regulations, upon its own motion, or by order upon application, conditionally or unconditionally exempt any person or transaction or any class or classes of persons or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant asserts that the purpose of the Act's prohibition against performance-based fees, contained in Section 205(1), is to prevent investment advisers from investing clients' funds in unduly speculative securities and from manipulating portfolio investments in a manner inconsistent with their clients' interests. Applicant asserts that since its proposed performance-based fee would be calculated net of realized capital losses and unrealized capital depreciation, the deterrent of Section 205(1) would be unnecessary. Applicant further asserts that the graduated structure of its proposed performance-based fee arrangement provides a disincentive to undue speculation or

manipulation. In addition, Applicant argues that the requirement that the advisory partners acquire and maintain at least a 1% investment interest in each partnership's profits and losses further protects the interests of Applicant's clients and serves as a deterrent to undue speculation. Applicant represents that the advisory partners would be barred from withdrawing their minimum 1% capital contribution.

Applicant argues that the requirement that each partnership would have at least one sophisticated investor, unaffiliated with Applicant, provides further protections for Applicant's clients. Applicant submits that this requirement ensures that the particular investment would be examined by independent purchasers who would provide the necessary element of external, professional review, sufficient to protect those of Applicant's advisory clients, who should also decide to participate in that particular partnership. Applicant states that this requirement is an adaptation of the concept of accredited investor. Applicant asserts that the accredited investor concept, which had its origins in the Commission's Rule 242 and is presently contained in Regulation D, represents a basic conclusion by the Commission that there are certain persons fitting within that category who are sufficiently knowledgeable and experienced in financial matters that they do not need the protection given them by the registration provisions of the Securities Act of 1933. Applicant maintains that Rule 242 before it, and now Regulation D, permit a certain number of other investors to participate in an offering where an accredited investor has led the way. Applicant states that, in adapting that concept to these circumstances, one could view Applicant's advisory clients as "free-riding" on the investigation, research, intellectual skills, and judgment possessed by others. Applicant contends that, although the investor protections that would be provided to Applicant's advisory clients would be derivative, they would also be verifiable, tangible, and quite real.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon

Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-10478 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-8213]

Chessco Industries, Inc.; Application to Withdraw from Listing and Registration

April 13, 1983.

In the matter of Chessco Industries, Inc., Common Stock, \$.10 Par Value, Warrants to Purchase Common Stock, \$.10 Par Value.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

The common stock and warrants of Chessco Industries, Inc. ("Company") have been listed and registered on the BSE since September 1981. The Company has determined that in light of the small and infrequent volume of trading on the BSE the expense of continued listing is no longer justified. In addition, the Company desires to include its stocks in NASDAQ.

Any interested person may, on or before May 4, 1983, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the

Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-10484 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13154; 812-5443]

Hutton Municipal Fund Inc., et al.; Filing of Application

April 12, 1983.

Notice is hereby given that Hutton Municipal Fund Inc., Hutton California Municipal Fund Inc., and Hutton New York Municipal Fund Inc. (the "Funds"), and E.F. Hutton & Company Inc. ("E.F. Hutton") (collectively referred to as "Applicants"), One Battery Park Plaza, New York, New York, 10004, filed an application on February 4, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for exemptions from Sections 22(d) and 12(d)(3) of the Act to the extent necessary to permit: (i) The sale of shares of the Funds at net asset value without imposition of a sales charge and without regard to minimum initial investment requirements to participants in a reinvestment program to be offered to unitholders of the E.F. Hutton Tax-Exempt Trust (the "Trust") or any other existing or future unit investment trust which E.F. Hutton sponsors or co-sponsors which invests in municipal obligations (collectively, the "Trusts"); and (ii) to permit the Funds to acquire rights to sell their portfolio securities to brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemptions apply.

The Funds, all open-end, diversified, series-type, management investment companies, seek to obtain as high a level of interest income exempt from federal income taxes as is consistent with preservation of capital. To further fulfill their investment objectives, where appropriate, the Funds also seek as high a level of interest income exempt from state and local income taxes as is consistent with preservation of capital. Each fund offers its shares to the public at an offering price which includes a sales charge of not more than 4% of the public offering price. The minimum initial investment is \$500;

subsequent investments must be at least \$250. E.F. Hutton serves as investment adviser and as distributor for each of the Funds.

A series unit investment trust registered under the Act, the Trust's objectives are tax-exempt income and conservation of capital through investment in a diversified portfolio of municipal bonds. The sale of Trust shares includes a sales charge equal to 4% of the public offering price per unit.

Applicants propose to establish a reinvestment plan ("Reinvestment Program") to permit unitholders of existing and future series of the Trusts to purchase shares of the Funds through reinvestment of Trust distributions at net asset value (without a sales load) and without regard to any minimum investment requirements of the Funds. Upon request, unitholders of the Trusts will receive a current prospectus of the appropriate fund and an authorization form, execution of which constitutes an election to enroll in the Reinvestment Program. An election will be effective until revoked by written notice to the Trust's trustee. Disclosure regarding the Reinvestment Program will be included in the prospectus of all future series of the Trust. E.F. Hutton, the Funds' principal underwriter, will bear the offering expenses of the Reinvestment Program. Once a unitholder elects to participate in the Reinvestment Program, his account with a fund will be handled in the same manner as the account of any other fundshareholder. Applicants have reserved the right to discontinue the Reinvestment Program.

Applicants submit that the requested exemption from the provisions of Section 22(d) would be in the public interest, beneficial to the investors in the Trusts and the Funds, and consistent with the purposes of Section 22(d) of the Act. To the extent operating expenses do not increase proportionately with assets, Applicants contend that the Reinvestment Program would decrease the Funds' average expenses by increasing their asset bases. Applicants assert that the Funds could also benefit from an increased cash flow which would enable the Funds to more readily meet redemptions without liquidating portfolio investments, decrease assets held as cash reserves, and diversify and enlarge their investment positions. Applicants contend that E.F. Hutton will realize economies of scale in sales expense—little or no additional sales costs need be allocated to fund shares marketed through the Reinvestment Program—which benefits Reinvestment Program participants because such participants will be able to invest their distributions at net asset value.

The Funds also request an exemption from Section 12(d)(3) of the Act to the extent necessary to permit them to acquire "puts" or "stand-by" commitments from brokers or dealers. The Funds characterize a put or stand-by commitment as a right granted by a broker, dealer, or other financial institution to an investment company upon the purchase of a municipal obligation entitling the investment company to sell the same principal amount of such securities back to the seller, at the investment company's option, at a specified price. Acquiring such rights, the Funds assert, would enhance their liquidity by allowing them to be as fully invested as practicable in municipal securities while preserving the flexibility necessary to meet redemptions.

Applicants state that the Funds will acquire puts which will have the following characteristics: (1) They will be in writing and will be physically held by the Funds' custodian; (2) they may be exercised by a Fund at any time prior to the maturity of the underlying security; (3) they will be entered into only with dealers, banks, and brokers who in the investment adviser's opinion present a minimal risk of default; (4) the Funds' right to exercise the puts will be unconditional and unqualified; (5) although the puts will not be transferable, the underlying securities could be sold to a third party at any time, even though the put was outstanding; and (6) the exercise price of the put will be (i) the Funds' acquisition cost of the underlying security (excluding any accrued interest which the Funds paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period the Fund owns the security, plus (ii) all interest accrued on the security since the last interest payment date during the period the security was owned by the Fund.

According to the application, the Funds expect that puts will generally be available without the payment of any direct or indirect consideration. If necessary and advisable, however, the Funds state that they will pay for puts, either separately in cash or by paying a higher price for the underlying securities. The Funds have stated an intent that the total amount "paid" in either manner for outstanding puts held in any of their portfolios will not exceed 1/2 of 1% of the value of the total assets of such portfolio calculated immediately after any put is acquired. Acknowledging the difficulty of evaluating the likelihood of exercise or the potential benefit of a put. Applicants

expect that the Funds' directors will determine that puts have a "fair value" of zero, regardless of whether any direct or indirect consideration is paid. Where a Fund has paid for a put, its cost will be reflected as unrealized depreciation in the underlying security for the period during which the commitment is held. The Funds have not sought a favorable ruling from the Internal Revenue Service ("IRS") with respect to stand-by commitments. In the absence of a favorable tax ruling or opinion of counsel, the Funds will not engage in the purchase of securities subject to stand-by commitments.

Applicants submit that an exemption from Section 12(d)(3) of the Act to permit the Funds to acquire stand-by commitments from brokers or dealers would be consistent with the standards set forth in Section 6(c) of the Act. Applicants do not expect that the acquisition of puts would affect the Funds' net asset values per share for purposes of sales and redemptions, but rather will improve the Funds' liquidity and ability to meet redemptions (Applicants point out that certain investment techniques used to obtain liquidity by taxable funds are not available to the Funds since they entail adverse tax consequences). Applicants state that the acquisition of puts will not expose the Funds' assets to the entrepreneurial risks of the investment banking business, nor require them to evaluate the credit of dealers in determining their net asset value. Applicants recognize that the failure of a broker or a dealer to fulfill its obligation under a put could result in a loss to the Funds, but contend that such risk of loss is not quantitatively different from the risk of loss faced by any investment company which is holding securities pending settlement after having agreed to sell the securities to a broker or dealer in the ordinary course of business. Applicants declare that the Funds will not acquire puts to provide reciprocal practices, to encourage the sale of their shares, or to obtain research services. Finally, Applicants assert, as with their Section 22(d) proposal, that the exemption requested is appropriate and in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, provided such exemption is necessary or appropriate in the public interest and consistent

with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-10481 Filed 4-19-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13155; 812-5410]

Municipal Fund for California Investors, Inc., and Henry M. Watts, Jr.; Filing of Application

April 12, 1983.

Notice is hereby given that Municipal Fund for California Investors, Inc. ("Fund"), Suite 204, Webster Building, 3411 Silverside Road, Wilmington, Delaware 19810, an open-end, diversified, management investment company, and Henry M. Watts, Jr., a director of the Fund, Mitchel, Schreiber, Watts & Co., Inc., 20 Broad Street, New York, New York 10005 (collectively, "Applicants") filed an application on December 22, 1982, and an amendment thereto on March 23, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Mr. Watts shall not be deemed to be an "interested person" of the Fund within the meaning of Section 2(a)(19) of the Act solely by reason of his being an officer, director and employee of Mitchel, Schreiber, Watts & Co., Inc. ("Mitchel, Schreiber"), a broker-dealer registered under the Securities Exchange Act of 1934. All interested persons are referred to the application on file with the Commission for a statement of the representations

contained therein, which are summarized below, and to the Act for the complete text of the provisions to which the exemption applies.

The application describes the Fund as a Maryland corporation whose proposed investment objective is to provide investors with as high a level of current interest income exempt from federal and California state personal income taxes as is consistent with the preservation of capital and relative stability of principal. Applicants state that in furtherance of its investment objective, the Fund intends to offer shares in a portfolio consisting primarily of debt obligations issued by or on behalf of the state of California and other states, territories and possessions of the United States, the District of Columbia and their authorities, agencies, instrumentalities and political subdivisions ("municipal securities"). According to the application, the Fund will maintain at least 80 percent of its assets in municipal securities except during defensive periods or when acceptable securities are unavailable for investment, will not knowingly purchase securities the income from which is subject to federal income tax, and will have at least 50 percent of its assets invested in California governmental debt obligations at the close of each quarter of the Fund's fiscal year. The application states further that the Fund may hold uninvested cash reserves pending investment during defensive periods or if, in the opinion of its investment adviser, suitable tax-exempt obligations are unavailable. The Fund if said is said to be primarily designed for California institutional investors, such as banks acting in a fiduciary, advisory, agency or similar capacity; insurance companies; investment counselors; and brokers seeking tax-exempt income.

Applicants state that the Fund's distributor is Shearson/American Express Inc. ("Shearson"). According to Applicants, purchase and redemption orders for Fund shares placed directly by shareholders with Shearson without the assistance of a broker-dealer will be processed without charge (except redemption orders submitted by Shearson for its own brokerage customers). The Fund's investment adviser is Provident Institutional Management Corporation ("PIMC"), and its sub-adviser is Provident National Bank ("Provident"). Applicants state that in connection with the execution of portfolio transactions on behalf of the Fund, PIMC will seek to obtain the best net price and the most favorable execution of its orders. Brokerage commissions, Applicants allege, will not

normally be paid on investments by the Fund since purchases and sales of portfolio securities will usually be principal transactions. The Fund's administrator is The Boston Company Advisors, Inc. ("Boston Advisors"). According to the application, Boston Advisors, as administrator, will assist in supervising all Fund operations (other than those performed under the Fund's advisory, custodian and transfer agency agreements). Boston Advisors is a wholly-owned subsidiary of Shearson.

The application states that Mr. Watts is a director of the Fund and an officer, director emeritus and employee of Mitchel, Schreiber, Mitchel, Schreiber is, purportedly, wholly-owned by Angeles Corporation, a financial services corporation with operating subsidiaries engaged in real estate, investment counseling and investment advisory services. Applicants represent that, historically, Mitchel, Schreiber's business has been limited to the technical execution and clearance of exchange-traded securities on behalf of other broker-dealers; it did not provide research analysis or other financial services and did not act as a dealer with respect to any securities. The application states that at the present time, however, Mitchel, Schreiber conducts no active business other than occasional real estate transactions on behalf of its parent, although Mitchel, Schreiber also makes its seat on the New York Stock Exchange available to its parent. The application asserts further that in light of Mitchell, Schreiber's current business inactivity it is unlikely that Mitchel, Schreiber would ever have occasion to act as a broker or dealer directly or indirectly for the Fund.

Applicants state that Mitchel, Schreiber has no direct business relationship with PIMC, Provident, Boston Advisors or Shearson. Pursuant to a prior order of the Commission, Mr. Watts currently is deemed not to be an "interested person" of Shearson, PIMC, Provident and certain investment companies distributed or advised by them within the meaning of Section 2(a)(19) of the Act by reason of his being an officer, director, and employee of Mitchel, Schreiber.

Section 6(c) of the Act permits the Commission to grant an exemption by order upon application from any provision or provisions of the Act, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants maintain that Mr. Watts should not be deemed to be an "interested person" of the Fund by virtue of his association with Mitchel, Schreiber because Mitchel, Schreiber will have no occasion to have any direct or indirect relationship with the Fund and will have no direct business relationship with PIMC, Provident, Boston Advisors or Shearson. Applicants maintain that, as a result, Mr. Watts' affiliation with Mitchel, Schreiber will not impair or otherwise affect his ability to exercise independent, disinterested judgment in the conduct of his office as a director of the Fund. Applicants submit that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In connection with the application, the following representations have also been made:

1. The Fund represents that it will not use Mitchel, Schreiber for portfolio transactions or for the distribution of its shares so long as Mr. Watts is a director of the fund and also a director, director emeritus, officer or employee of Mitchel, Schreiber; and

2. The Fund, to the best of its knowledge, and Mr. Watts represent that since at least October 1, 1978, Mr. Watts has not had a material business or professional relationship with PIMC, Provident, Boston Advisors or Shearson, or with the principal executive officers of or any person controlling, controlled by or under common control with PIMC, Provident, Boston Advisors or Shearson.

Notice is further given any interested person wishing to request a hearing on the application may, not later than May 12, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-10482 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13160; 812-5463]

Real Estate Associates Limited VI, et al.; Filing of Application

April 13, 1983.

Notice is hereby given that Real Estate Associates Limited VI, a California limited partnership ("REAL VI"), and its general partners, National Partnership Investments Corp. and National Partnership Investments Associates ("General Partners") (REAL VI together with General Partners, collectively referred to hereinafter as "Applicants"), 1880 Century Park East, Los Angeles, California, 90067 filed an application on March 1, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting REAL VI from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that REAL VI was formed under the California Limited Partnership Act on November 8, 1982, and is designed to implement the policy of Title IX of the Housing and Urban Development Act of 1968 to provide private investors with a means of acquiring equity interests in government-assisted low and moderate income housing. REAL VI will acquire limited partnership interests in local limited partnerships ("Local Limited Partnerships") which own or lease government-assisted rental housing projects for low and moderate income persons.

Applicants state that REAL VI is organized as a limited partnership because a limited partnership is the only form of organization which provides an investor with both liability limited to his capital investment and the ability to claim on his individual tax return the deductions, losses, credits and other tax items a partnership can pass through to its partners. Therefore, REAL VI will operate as a "two-tier" partnership; i.e., REAL VI, a limited partnership, has invested and will invest primarily in other limited partnerships (Local Limited Partnerships) which, in turn, will be engaged in the development, building, ownership or leasing of

government-assisted housing for low and moderate income persons. Applicants further represent that one of the primary objectives of REAL VI is to pass through to its partners during the early years of the partnership net losses which may be used to offset other taxable income.

Applicants represent that REAL VI has filed a registration statement under the Securities Act of 1933, which will cover the sale of 240 to 2,000 Units at \$5,000 per Unit. Each Unit consists of two limited partnership interests and a warrant to purchase two additional limited partnership interests, exercisable in January, 1984 (the "Warrants"). The Warrants will entitle an investor to purchase the related limited partnership interests for \$2,500 each, the equivalent price per limited partnership interest acquired pursuant to the purchase of a Unit. It is also stated that in the event that any Warrant is not exercised, the respective limited partnership interests may be sold by REAL VI to other qualifying offerees.

Offers to sell and sales of the Units to the public are proposed to be effected through E. F. Hutton & Company Inc. and other selected members of the National Association of Securities Dealers, Inc., none of which will own or owns any interest in either of the General Partners or will have or has any other material relationship with their directors, officers or partners. Such broker-dealers will use their best efforts as agents for REAL VI to obtain subscriptions for Units in REAL VI and thereafter to sell any limited partnership interests available upon the non-exercise of the Warrants.

The application states that no subscription for Units or limited partnership interests will be accepted unless it is approved by the General Partners, which approval shall be conditioned upon representations as to suitability of the investment to each such subscriber, and it is claimed that the Units and additional limited partnership interests will be sold only to relatively sophisticated investors who have special qualifications. The application states that the subscribing investor will represent in the Subscription Agreement for Units (1) that he has a net worth (exclusive of home, furnishings, and automobiles) of at least \$30,000 and an annual gross income of at least \$30,000, or that he has a net worth (exclusive of home, furnishings, and automobiles) of at least \$200,000, or that he is purchasing in a fiduciary capacity for a person or entity which has such net worth and annual

gross income; and (2) that he is aware of the risks involved in investing in REAL VI. He also must represent that some part of his annual income for 1983 will be taxable at the federal tax rate of 38% or more, and that he anticipates some part of his income for the next four years will, but for the effect of his investment in the Units and limited partnership interests or other tax shelters, be taxable at such 38% rate. In addition, the Restated Certificate and Agreement of Limited Partnership Agreement of REAL VI ("Partnership Agreement") will require that until January 1, 1989 each transferee of limited partnership interests must represent that he meets the suitability standards set forth above.

Applicants state that the General Partners will be entitled to receive 1% of REAL VI's profits, losses and distributions subject to the conditions that their 1% share of net cash flow will be reduced each year by the amount of annual management fees which are paid or payable to them in that year. In addition to their 1% participation in REAL VI's profits, losses and distributions, the General Partners will receive certain fees for overseeing the conduct of REAL VI's affairs and the continuing operation of each project. Applicants represent that these fees are in substantial conformity with the standards imposed by the North American Securities Administrators Association, Inc. and the California Corporations Commissioner, and that to the best of their knowledge all such fees are in compliance with the current rules promulgated by such authorities.

During REAL VI's operational period, the General Partners will receive, in consideration for their management services rendered to local limited partnerships owning government-assisted housing projects, an annual fee in an amount equal to 0.5% of invested assets to be paid out to REAL VI's general funds to such local limited partnerships. As noted above, this annual management fee will be applied against the General Partners' 1% shares of REAL VI's net cash flow. Finally, when a project is sold, the General Partners will receive a liquidation fee based upon the net proceeds only after payment to the limited partners of their invested capital in the project, plus an amount sufficient to pay their federal and state taxes.

Applicants further note that REAL VI states that it will file with the Commission pursuant to Section 15(d) of the Securities Exchange Act of 1934 all required annual reports, quarterly reports, and current reports on Forms

10-K, 10-Q and 8-K, as well as any other reports required by such Act. The General Partners will also send each limited partner a year-end report containing financial statements audited by REAL VI's independent accountants and tax information necessary for the preparation of each limited partner's federal income tax return. In addition, each limited partner will receive a report at least semiannually of REAL VI's activities and the operational status of its investment, as well as interim reports regarding acquisitions.

Applicants state that under the California Limited Partnership Act, and under the terms of the Partnership Agreement, the corporate General Partner, which has registered as an investment adviser under the Investment Advisers Act of 1940, and the non-corporate General Partner, are fiduciaries of REAL VI and its limited partners. Applicants state that under the Partnership Agreement, the officers and directors of the corporate General Partner and the partners of the non-corporate General Partner will be indemnified only when a court finds that such persons' conduct fairly and equitably merit indemnity in the amount claimed.

Without conceding that REAL VI is an investment company as defined in the Act, Applicants request that REAL VI be exempted from the provisions of the Act pursuant to Section 6(c). Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction from any provision of the Act and rule thereunder if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that the exemption of REAL VI from all provisions of the Act is both necessary and appropriate in the public interest. Applicants assert that the form of organization REAL VI, i.e., a limited partnership, which is necessary to limit the liability of private investors investing in subsidized low and moderate income housing, is incompatible with the regulatory framework of the Act. Applicants contend that to discourage the two-tier limited partnership arrangement by application of the Act would eliminate the primary means of attracting private equity capital into government-assisted housing and would frustrate the national policy declared by Congress "to encourage the widest possible participation by private enterprise in the

provision of housing for low and moderate income persons."

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 9, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-10480 Filed 4-19-83; 8:45]
BILLING CODE 8010-01-M

[Release No. 19672; File No. SR-MSRB-83-1]

Self Regulatory Organizations; Filing of Proposed Rule Change by Municipal Securities Rulemaking Board

April 13, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 17, 1983, the Municipal Securities Rulemaking Board ("MSRB") 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, filed with the Commission the proposed rule change described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change reviews the application of MSRB rules to private placement of municipal securities and interprets the application of MSRB Rules G-1, G-3 and G-23 to financial advisory services rendered to a corporate obligor on an issue of industrial development bonds ("IDB"). With respect to private placement activity for IDBs by a bank, the interpretation notes that it must be conducted through the registered dealer department of the bank. The MSRB warns bank dealers to review their organizations to ensure that all departments or units of the bank which

engage in private placement of IDBs are designated on the bank's Form MDS and other applicable bank records as part of its separately identifiable department or division pursuant to Rule G-1. The MSRB also states that private placements must be effected and supervised by persons qualified pursuant to the requirements of Rule G-3.

The proposed rule change also interprets the application of MSRB Rules G-1, G-3, and G-23 to financial advisory services rendered to a corporate obligor for an issue of IDBs. Rule G-1 defines a separately identifiable department or division of a bank. Rule G-3 prescribes the classification and qualification requirements for persons engaged in underwriting, providing financial advisory services to issuers, clearance, research and investment advice related to municipal securities, recordkeeping and training. Rule G-23 prescribes ethical standards and disclosure requirements for brokers, dealers and municipal securities dealers who act as financial advisors to issuers of municipal securities.

The proposed MSRB interpretation states that these three rules do not apply to financial advisory services given to a corporate obligor for an IDB issue, if such financial advisory services are limited to advice on the structure, timing, terms, and other similar matters concerning a proposed issue. The MSRB states; however, that other financial advisory services, such as participating in negotiations with prospective purchasers or engaging in placement of the issue, would be subject to Rules G-1 and G-3. The MSRB states that its rules would continue to apply to any advisory relationship with a governmental unit or direct communication with public customers. At this time, however, the MSRB is not aware of problems associated with the furnishing of financial advisory services to corporate obligors on IDBs which indicate a need for MSRB regulation. The MSRB states that it does not believe it is appropriate or necessary at this time to extend its regulatory reach to persons who are in the business of advising corporations about various financing alternatives merely because one alternative involves the issuance of tax-exempt securities.

The MSRB has proposed the rule change pursuant to subsections (A), (C) and (H) of Section 15B(b)(2) of the Act. The MSRB states that it does not believe the proposed rule change will have an effect on competition.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the

proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-MSRB-83-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the MSRB.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.¹

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-10485 Filed 4-19-83; 8:45 am]
BILLING CODE 8010-01-M

Boston Stock Exchange, Inc., Applications for Unlisted Trading Privileges and of Opportunity for Hearing

April 14, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Alpha Industries, Inc., Common Stock, \$.25 Par Value (File No. 7-6562)
Hanna Mining Company, Common Stock, \$1 Par Value (File No. 7-6563)
Harris Bankcorp, Inc., Common Stock, \$8 Par Value (File No. 7-6564)
Logicon, Inc., Common Stock, \$.10 Par Value (File No. 7-6566)
North American Philips Corp., Common Stock, \$5 Par Value (File No. 7-6567)
Paine Webber, Inc., Common Stock, \$1 Par Value (File No. 7-6568)

¹ 17 CFR 200.30-3(a)(12).

Pillsbury Company, Common Stock,
NoPar Value (File No. 7-6569)
Pulte Home Corp., Common Stock, \$1
Par Value (File No. 7-6570)
Union Camp Corporation, Common
Stock, \$1 Par Value (File No. 7-6571)

These securities are listed and
registered on one or more other national
securities exchange and are reported in
the consolidated transaction reporting
system.

Interested persons are invited to
submit on or before May 5, 1983 written
data, views and arguments concerning
the above-referenced applications.
Persons desiring to make written
comments should file three copies
thereof with the Secretary of the
Securities and Exchange Commission,
Washington, D.C. 20549. Following this
opportunity for hearing, the Commission
will approve the applications if it finds,
based upon all the information available

to it, that the extensions of unlisted
trading privileges pursuant to such
applications are consistent with the
maintenance of fair and orderly markets
and the protection of investors.

For the Commission, by the Division of
Market Regulation, pursuant to delegated
authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-10463 Filed 4-19-83; 8:45 am]

BILLING CODE 8010-01-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 77

Wednesday, April 20, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:10 a.m. on Friday, April 15, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to make funds available for the payment of insured deposits in Sparta-Sanders State Bank, Sparta, Kentucky, which was closed by the Acting Commissioner of Banking and Securities for the State of Kentucky on Friday, April 15, 1983.

At the same meeting, the Board of Directors considered a personnel matter.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(6), (c)(8), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), and (c)(9)(B)).

Dated: April 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-548-83 Filed 4-18-83; 2:51 p.m.]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 25, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to convert into a non-FDIC insured institution:

BancOne of Connecticut, Bridgeport, Connecticut.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,569-NR (Amended): United States National Bank, San Diego, California

Case No. 45,672-L: Franklin National Bank, New York, New York

Memorandum and Resolution re: Amendment to the Policy Statement for Corporate Audit Activities.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 18, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-549-83 Filed 4-18-83; 2:51 pm]

BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 25, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Application for capital assistance pursuant to section 13(i) of the Federal Deposit Insurance Act:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsection (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Request for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 18, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-550-83 Filed 4-18-83; 2:51 pm]

BILLING CODE 6714-01-M

4

INTERNATIONAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 16376, April 15, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Monday, April 25, 1983.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4), Commissioners Eckes, Stern, and Haggart voted by action jacket SE-83-06 to hold a portion of the discussion with respect to item No. 5 (Investigations 731-TA-127, -128, and -129 (Preliminary) (Thin Sheet Glass from Switzerland, Belgium, and the Federal Republic of Germany)—briefing and vote) in closed session.

Commissioners Eckes, Stern, and Haggart determined pursuant to 19 CFR 201.37(b) that Commission business

requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-545-83 Filed 4-18-83; 2:51 pm]

BILLING CODE 7020-02-M

5

PAROLE COMMISSION

[3P0401]

TIME AND DATE: 10 a.m., Wednesday, April 27, 1983.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referral from a Regional Commissioner of 1 case in which an inmate of a Federal prison is contesting a reopening of his case due to new and significant adverse information.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission. (301) 492-5987.

[S-551-83 Filed 4-18-83; 3:01 pm]

BILLING CODE 4410-01-M

6

RAILROAD RETIREMENT BOARD

TIME AND DATE: 9 a.m., April 26, 1983.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

- (1) Employer status of Burlington Northern (Manitoba) Limited.
- (2) Canadian service (General Counsel Opinion L-83-79).
- (3) Appeal of Southern Pacific Transportation Company.
- (4) Bureau of audit and investigation— independence of the internal auditor.
- (5) Audit priorities.
- (6) Proposed revisions to Board Orders 75-1 and 75-6.
- (7) Field office hours.

(8) Unemployment benefits—14-day registration cycle.

(9) Taskforce report on disability earnings limitation.

(10) Parts 216-237 of regulations on annuity eligibility, applications and evidence.

(11) Proposed disability regulations (Part 220).

(12) Proposed regulation under Section 22 of the Railroad Retirement Act of 1974.

(13) Supplemental budget request.

(14) Litigation case (Denberg v. RRB).

(15) Report on benefit accuracy recommendations.

CONTACT PERSON FOR MORE

INFORMATION: Beatrice Ezerski, COM No. 312-741-4920; PTS No. 387-4920.

[S-547-83 Filed 4-18-83; 10:58 am]

BILLING CODE 7905-01-M

7

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held on the date and at the time and place specified below by telephone conference call. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on public access to Board Meetings.

MATTERS TO BE CONSIDERED: Approval of Competitive Solicitation for Gulf Province Lignite Gasification Projects.

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

DATE AND TIME: April 25, 1983 at 3 p.m. (e.s.t.)

PLACE: Room 403, 2121 K Street NW., Washington, D.C. 20586.

PERSON TO CONTACT FOR MORE

INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 822-8336.

United States Synthetic Fuels Corporation.

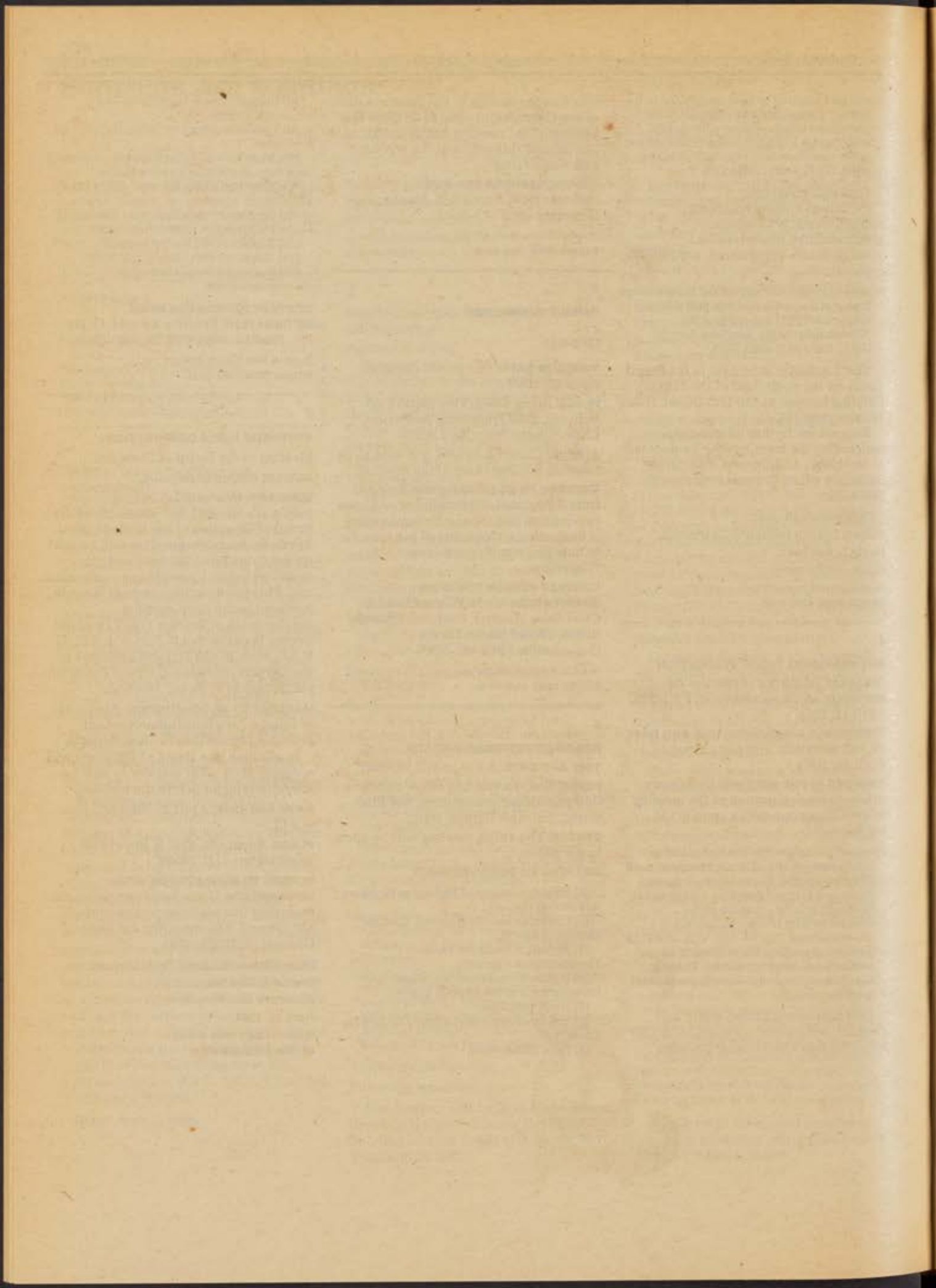
Jimmie R. Bowden,

Executive Vice President.

April 15, 1983.

[S-546-83 Filed 4-18-83; 9:29 am]

BILLING CODE 0000-00-M



Federal Register

**Wednesday
April 20, 1983**

Part II

Reader Aids

**List of Libraries That Have Announced
Availability of Federal Register and Code
of Federal Regulations**

LIST OF LIBRARIES THAT HAVE ANNOUNCED AVAILABILITY OF FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

In order to better serve the public the Office of the Federal Register is publishing a list of libraries where the *Federal Register* and *Code of Federal Regulations* are available for examination free of charge. This list contains only those Government depository libraries and other libraries that specifically have chosen to be included. A complete listing of *Government Depository Libraries* is available without charge from The Library, U.S. Government Printing Office, 5236 Eisenhower Avenue, Alexandria, VA 22304.

The Office of the Federal Register's list will be updated annually unless public interest requires more frequent publication. Any library that maintains these publications, makes them available to the public, and wishes to be included on future lists should write to the Director of the Federal Register, National Archives and Records Service, GSA, Washington, DC 20408, or phone (202) 523-5227 giving the name and address of the library. (*FR only. †CFR only.)

ALABAMA

Birmingham:

Government Documents Department
Birmingham Public Library
2020 Park Place
Birmingham, AL 35203
(205) 254-2551

Gadsden:

Gadsden Public Library
254 College Street
Gadsden, AL 35901
(205) 547-1611

Mobile:

Governmental Information Division
Mobile Public Library
564 Davis Avenue
Mobile, AL 36603
(205) 438-7092

Montgomery:

Alabama Public Library Service
6030 Monticello Drive
Montgomery, AL 36130
(205) 277-7330

Tuscaloosa:

University of Alabama Library
Reference Department
Box S
University, AL 35486
(205) 348-6046

ALASKA

Anchorage:

Alaska Resources Library
U.S. Department of the Interior
701 C Street, Box 36
Anchorage, AK 95513

Office of the Solicitor, Law Library
U.S. Department of the Interior
510 L Street, Suite 408
Anchorage, AK 99501

Fairbanks:

Bureau of Land Management
Library
Fairbanks District Office
P.O. Box 1150
North Post of Ft. Waynewright
Fairbanks, AK 99707

Rasmuson Library
Government Documents Section
University of Alaska
Fairbanks, AK 99701

Juneau:

Alaska State Library
8th Floor, New State Office Bldg.
Pouch G
Juneau, AK 99811
(907) 465-2920

ARIZONA

Glendale:

Velma Teague Library
7010 N. 58th Avenue
Glendale, AZ 85301
(602) 931-5576

Phoenix:

Office of the Field Solicitor, Law
Library
U.S. Department of the Interior
Valley Bank Center, Suite 2080
201 North Central Avenue
Phoenix, AZ 85073

Phoenix Public Library
Business, Science & Technology—
Documents
12 E. McDowell Road
Phoenix, AZ 85004
(602) 262-6451

Tempe:

Arizona State University
College of Law Library
Government Documents
Tempe, AZ 85281

Government Documents Department
Arizona State University Library
Tempe, AZ 85281

Window Rock:

Field Solicitor, Law Library
U.S. Department of the Interior
Window Rock, AZ 86515

ARKANSAS

Little Rock

Government Documents Department
UALR Library
University of Arkansas at Little Rock
33rd and University Avenue
Little Rock, AR 72204
(501) 569-3120

Searcy:

Beaumont Memorial Library
Harding University
P.O. Box 928
Searcy, AR 72143
(501) 268-6161

CALIFORNIA

Arcata:

Documents Department
The Library
Humboldt State University
Arcata, CA 95521

Burlingame:

The San Mateo Foundation*
1204 Burlingame Avenue
P.O. Box 627
Burlingame, CA 94010
(415) 342-2477

Glendale:

City of Glendale
Glendale Public Library
222 East Harvard Street
Glendale, CA 91205

La Jolla:

Government Documents, Maps,
Microforms Department
Central University Library C-075-P
University of California, San Diego
La Jolla, CA 92093
(714) 452-3338

Lakewood:

Angelo M. Iacoboni Library
5020 Clark Avenue
Lakewood, CA 90712
(213) 866-1777

Long Beach:

Government Publications
Long Beach Public Library and
Information Center
101 Pacific Avenue
Long Beach, CA 90802
(213) 437-2949, ext. 40

Long Beach Safety Council Library
121 Linden Avenue
Long Beach, CA 90802

Menlo Park:

U.S. Geological Survey Library
345 Middlefield Road
Menlo Park, CA 94025

Oakland:

Holy Names College Library
3500 Mountain Blvd.
Oakland, CA 94619

Orange:

Thurmond Clarke Memorial Library
Chapman College
333 North Glassell Street
Orange, CA 92666

CALIFORNIA—Continued

Pasadena:

City of Pasadena
Pasadena Public Library
285 E. Walnut Street
Pasadena, CA 91101
(213) 577-4054

Redwood City:

Redwood City Public Library
881 Jefferson Avenue
Redwood City, CA 94063
(415) 369-6251, ext. 288

San Mateo County Superintendent of
Schools Office

Educational Resources Center
333 Main Street
Redwood City, CA 94063
(415) 364-5600

Richmond:

Richmond Public Library
Civic Center Plaza
Richmond, CA 94804

Riverside:

Field Solicitor, Law Library
U.S. Department of the Interior
3610 Center Avenue, Suite 104
Riverside, CA 92506

Riverside City and County Public
Library

(Current CFR only)
3581 Seventh Street
P.O. Box 468
Riverside, CA 92502
(714) 787-7203

Sacramento:

Regional Solicitor, Law Library
U.S. Department of the Interior
Room E-2753
2800 Cottage Way
Sacramento, CA 95825

San Diego:

Western State University
College of Law
1333 Front Street
San Diego, CA 92101
(714) 231-0300

San Francisco:

Field Solicitor, Law Library
U.S. Department of the Interior
450 Golden Gate Avenue
Box 36064
San Francisco, CA 94102

University of California
Hastings College of the Law
Library

198 McAllister Street
San Francisco, CA 94102

San Rafael:

Marin County Free Library
Civic Center Administration Building
San Rafael, CA 94903
(415) 499-6051

Vallejo:

California Maritime Academy*
P.O. Box 1392
Vallejo, CA 94590
(707) 644-5601

COLORADO

Denver:

Bureau of Land Management
Denver Service Center Library
Building 50
Denver Federal Center
Denver, CO 80225

Bureau of Reclamation Library
Engineering and Research Center
P.O. Box 25007, Denver Federal Center
Denver, CO 80225

Colorado State Library
1362 Lincoln Street
Denver, CO 80203

Regional Solicitor, Law Library
U.S. Department of the Interior
Room 1400, Bldg. 67, Denver Federal
Center
P.O. Box 25007
Denver, CO 80225

Rocky Mountain Regional Office
Library
National Park Service
655 Perfect Street
P.O. Box 25287
Denver, CO 80225

Fort Collins:

Documents Department
The Libraries
Colorado State University
Fort Collins, CO 80523

Greeley:

James A. Michener Library
Government Publications Service
University of Northern Colorado
Greeley, CO 80639

Lakewood:

Villa Library*
455 South Pierce Street
Lakewood, CO 80226
(303) 936-7407

CONNECTICUT

Bloomfield:

Prosser Public Library
1 Tunxis Avenue
Bloomfield, CT 06002

Danielson:

Quinebaug Valley Community College
P.O. Box 59
Danielson, CT 06239
774-1130

East Haven:

Hagaman Memorial Library*
227 Main Street
East Haven, CT 06512
(203) 468-3223

Fairfield:

Nyselius Library
Fairfield University
North Benson Road
Fairfield, CT 06430
(203) 255-5411, Ext. 2451

Hartford:

The Stanley Osborne Library*
Third Floor
The Connecticut State Department of
Health Services
79 Elm Street
Hartford, CT 06115
(203) 566-2198

Middletown:

Olin Library
Wesleyan University
Middletown, CT 06457

Stamford:

Ferguson Library
96 Broad Street
Stamford, CT 06901

Waterbury:

Silas Bronson Public Library
Business, Industry & Technology
Department
267 Grand Street
Waterbury, CT 06702

Wethersfield:

Wethersfield Public Library
515 Silas Deane Highway
Wethersfield, CT 06109

DISTRICT OF COLUMBIA

Natural Resources Library
U.S. Department of the Interior
Washington, DC 20240

Office of the Federal Register
1100 L Street, N.W.
Room 8301
Washington, DC 20408
(202) 523-4986

FLORIDA

Melbourne:

Government Documents Department
Florida Institute of Technology
Library
University Blvd.
Melbourne, FL 32901
(305) 723-3701

Sarasota:

The University of Sarasota
2080 Ringling Blvd.
Sarasota, FL 33577
(813) 955-4228

Tallahassee:

Documents Section
State Library of Florida
R. A. Gray Building
Tallahassee, FL 32301
(904) 487-2851

Tampa:

Tampa-Hillsborough County Public
Library
900 North Ashley Street
Tampa, FL 33602
(813) 223-8969

GEORGIA

Athens:

University of Georgia Libraries
Government Reference Department
Athens, GA 30602

GEORGIA—Continued

Atlanta:

Office of the Regional Solicitor, Law Library

U.S. Department of the Interior
148 Cain Street, N.E., Suite 405
Atlanta, GA 30303

Dublin:

Laurens County Library
801 Bellevue Ave.
Dublin, GA 31021

Elberton:

Southeastern Power Administration
Law Library
U.S. Department of Energy
Samuel Elbert Building
Elberton, GA 30635

Savannah:

Chatham-Effingham-Liberty Regional Library
2002 Bull Street
Savannah, GA 31499
(912) 234-5127

IDAHO

Boise:

Field Solicitor, Law Library
U.S. Department of the Interior
Federal Building, U.S. Courthouse
Box 20
Boise, ID 83724

Pocatello:

The Library
Idaho State University
Pocatello, ID 83209

ILLINOIS

Bloomington:

Illinois Wesleyan University
Library
Bloomington, IL 61701

Chicago:

Government Publications Department
Chicago Public Library
425 N. Michigan Avenue
Chicago, IL 60611
(312) 269-3002

University of Chicago Law Library
1121 East 60th Street
Chicago, IL 60637

Documents Department
University of Illinois at Chicago Circle
The Library, P.O. Box 8198
Chicago, IL 60680
(312) 996-2716/996-2738

Lockport:

Lewis University
Route 53
Lockport, IL 60441
(815) 838-0500

Macomb:

Government Publications and Legal Reference Library
Western Illinois University
Macomb, IL 61455
(309) 298-2411

Niles:

Niles Public Library District
6960 Oakton Street
Niles, IL 60648
(312) 967-8554

Normal:

Milner Library
Illinois State University
Normal, IL 61761

Oak Park:

Oak Park Public Library
834 Lake Street
Oak Park, IL 60301
(312) 383-8200

Rockford:

Rockford Public Library
215 North Wyman Street
Rockford, IL 61101
(815) 965-6731

Springfield:

Energy Information Library*
Illinois Institute of Natural Resources,
Room 300

325 W. Adams Street
Springfield, IL 62706

Waukegan:

County of Lake
Law Library
18 North County Street
Waukegan, IL 60085
(312) 689-8654

INDIANA

Fort Wayne:

The Public Library of
Fort Wayne and Allen County
900 Webster Street
Fort Wayne, IN 46802
(219) 424-7241

Indianapolis:

Reference and Loan Division
Indiana State Library
140 N. Senate Ave.
Indianapolis, IN 46204
(317) 232-3675

Muncie:

Ball State University Library
Government Publications Service
Muncie, IN 47305
(317) 285-6195

South Bend:

Indiana University at South Bend
1700 Mishawaka Avenue
South Bend, IN 46615
(219) 237-4440

IOWA

Ames:

Library—Government Publications
Department
Iowa State University
Ames, IA 50010
(515) 294-2834

Des Moines:

State Library Commission of Iowa
Law Library
Capitol Building
Des Moines, IA 50319
(515) 281-5125

State Library Commission of Iowa
Historical Building
East 12th & Grand
Des Moines, IA 50319

Dubuque:

Carnegie-Stout Public Library
Eleventh and Bluff Streets
Dubuque, IA 52001
(319) 583-9197
Wahlert Memorial Library
Loras College
1450 Alta Vista
Dubuque, IA 52001

KANSAS

Colby:

H. F. Davis Memorial Library
Colby Community College
1255 South Range
Colby, KS 67701
(913) 462-3984

Lawrence:

University of Kansas Law Library
Green Hall
Lawrence, KS 66045
(913) 864-3025

Pittsburg:

Library
Pittsburg State University
Pittsburg, KS 66762

Topeka:

Washburn University of Topeka
School of Law Library
Topeka, KS 66621
(913) 295-6660

KENTUCKY

Bowling Green:

Western Kentucky University
Helm-Cravens Library
Bowling Green, KY 42101

Frankfort:

Government Document Section
State Library Division
Kentucky Department of Library &
Archives
Berry Hill
Frankfort, KY 40602
(502) 564-2480

Highland Heights

Northern Kentucky University
Library
Government Documents Department
Highland Heights, KY 41076

Lexington:

University of Kentucky Libraries
Government Publications Department
Lexington, KY 40506
Law Library
University of Kentucky
Lexington, KY 40506

Louisville:

University of Louisville
The Library
Louisville, KY 40208

Pikeville:

CITAC Library
Pikeville College
Armington Science Center
Pikeville, KY 41501
• (606) 432-9396

LOUISIANA

Baton Rouge:

Library, Department of Urban &
Community Affairs
5790 Florida Boulevard
Baton Rouge, LA 70806

Louisiana State Library
P.O. Box 131
760 N. Riverside Mall
Baton Rouge, LA 70821
(504) 389-6651

Lafayette:

University of Southwestern Louisiana
University Libraries
Lafayette, LA 70501

New Orleans:

U.S. Court of Appeals Library
5th Circuit
600 Camp Street
Room 106
New Orleans, LA 70130
(504) 589-6510

MAINE

Lewiston:

George and Helen Ladd Library
Bates College
Lewiston, ME 04240

Portland:

Donald L. Garbrecht Law Library
246 Deering Avenue
Portland, ME 04102
(207) 780-4350

MARYLAND

Aberdeen:

Department of the Army
U.S. Army Environmental Hygiene
Agency
ATTN: Librarian, Bldg. E-2100
Aberdeen Proving Ground, MD 21010

Annapolis:

Maryland State Law Library
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, MD 21401

Baltimore:

Enoch Pratt Free Library
400 Cathedral Street
Baltimore, MD 21201

Cumberland:

Allegheny Community College Library
Willow Brook Road
P.O. Box 1695
Cumberland, MD 21502
(301) 724-7700, ext. 36

Oakland:

Garrett County Planning Office*
323 East Oak Street
Oakland, MD 21550
(301) 334-4200

Rockville:

Medical Library
Food & Drug Administration
5600 Fishers Lane
Room 11B40
Rockville, MD 20857

Department of Public Libraries
Montgomery County
99 Maryland Avenue
Rockville, MD 20850
(301) 279-1966

MASSACHUSETTS

Boston:

Government Documents Department
Boston Public Library
Copley Square
Boston, MA 02117

Gloucester:

Gloucester Lyceum and Sawyer Free
Library*
General Reference Section
2 Dale Avenue
Gloucester, MA 01930
(617) 283-0376

Newton Corner:

Office of the Regional Solicitor, Law
Library
Suite 306
1 Gateway Center
Newton Corner, MA 02156

Springfield:

The City Library
Central Library
220 State Street
Springfield, MA 01103

Woburn:

Commonwealth of Massachusetts
Trial Court of the Commonwealth
District Court Department
Fourth Eastern Middlesex Division
Woburn, MA 01801
(617) 935-4000

MICHIGAN

Ann Arbor:

Washtenaw Community College
4800 East Huron River Drive
Ann Arbor, MI 48106
(313) 973-3300

Detroit:

Downtown Library*
Detroit Public Library
121 Gratiot
Detroit, MI 48226

Detroit Public Library
5201 Woodward Avenue
Detroit, MI 48202

Municipal Reference Library
Detroit Public Library
1004 City-County Building
Detroit, MI 48226

Arthur Neef Law Library
Wayne State University
468 W. Ferry Mall
Detroit, MI 48202
(313) 577-3925

East Lansing:

Documents Department
Michigan State University Library
East Lansing, MI 48824

Flint:

Flint Public Library
General Reference Department
1026 E. Kearsley Street
Flint, MI 48502
(313) 232-7111

Lansing:

Thomas M. Cooley Law School
Library
U.S. Documents Collection
217 South Capitol Avenue
Lansing, MI 48901
(517) 371-5140

Marquette:

Government Documents Department
Olson Library
Northern Michigan University
Marquette, MI 49855
(906) 227-2112

Mount Clemens:

Macomb County Library
18480 Hall Road
Mount Clemens, MI 48044
469-5300

Mt. Pleasant:

Library - Documents Department
Central Michigan University
Mt. Pleasant, MI 48859
(517) 774-3414

Pontiac:

Adams-Pratt Oakland County Law
Library
1200 N. Telegraph Road
Pontiac, MI 48053

Oakland Schools Library*
2100 Pontiac Lake Road
Pontiac, MI 48054

Rochester:

Kresge Library
Documents Department
Oakland University
Squirrel/Walton
Rochester, MI 48063
(313) 377-2476

Saginaw:

Public Libraries of Saginaw
505 Janes
Saginaw, MI 48605
(517) 755-0904

Traverse City:

Mark Osterlin Library
Documents Department
Northwestern Michigan College
1701 East Front Street
Traverse City, MI 49684
(616) 946-5650, ext. 540

University Center:

Learning Resources Center
Delta College
University Center, MI 48710

MINNESOTA

Bemidji:

Documents Section
A. C. Clark Library
Bemidji State University
Bemidji, MN 56601
(218) 755-2958

Blaine:

Anoka County Library
707 Highway 10
Blaine, MN 55434

Cambridge:

East Central Regional Library*
Cambridge, MN 55008

Duluth:

Duluth Public Library
520 W. Superior Street
Duluth, MN 55802
(218) 723-3804

Edina:

Southdale-Hennepin Area Library
7001 York Avenue South
Edina, MN 55435
(612) 830-4900

MINNESOTA—Continued

Minneapolis:

Minnesota Hospital Association
Library

2333 University Ave. S.E.
Minneapolis, MN 55414
(612) 331-5571

Government Publications Division
409 Wilson Library
University of Minnesota
Minneapolis, MN 55455
(612) 373-7813

St. Paul:

Minnesota State Law Library
117 University Avenue
St. Paul, MN 55155
(612) 296-2775

Government Publications Office
St. Paul Public Library
90 West Fourth Street
St. Paul, MN 55102
292-6176

Stillwater:

Stillwater Public Library
223 North Fourth Street
Stillwater, MN 55082
439-1675

Twin Cities:

Field Solicitor, Law Library
U.S. Department of the Interior
686 Federal Building, Fort Snelling
Twin Cities, MN 55111

Winona:

Maxwell Library
Government Documents
Winona State University
Winona, MN 55987
(507) 457-5148

MISSISSIPPI

Gulfport:

Harrison County Law Library
1st Judicial Courthouse
1801 23rd Avenue
Gulfport, MS 39501
(601) 864-5161 ext. 336

Jackson:

H. T. Sampson Library
Jackson State University
Jackson, MS 39217

MISSOURI

Jefferson City:

Missouri State Library
308 E. High Street
P.O. Box 387
Jefferson City, MO 65102
(314) 751-4552

St. Louis:

Missouri Botanical Garden*
(back issues held 1 year)
2345 Tower Grove Avenue
St. Louis, MO 63110
(314) 772-7600

Thomas Jefferson Library
University of Missouri—St. Louis
8001 Natural Bridge Road
St. Louis, MO 63144
(314) 453-5954

Sedalia:

State Fair Community College Library
1900 Clarendon Road
Sedalia, MO 65301

Springfield:

Southwest Missouri State University
The Library
Springfield, MO 65802
(417) 831-1561

MONTANA

Billings:

Bureau of Land Management
Library
P.O. Box 30157
Billings, MT 59107

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1538
Billings, MT 59103

NEBRASKA

Kearney:

Calvin T. Ryan Library
Kearney State College
Kearney, NE 68847

Lincoln:

Nebraska Library Commission
1420 P Street
Lincoln, NE 68508
(402) 471-2045

University of Nebraska—Lincoln
Libraries
Lincoln, NE 68588

Norfolk:

Northeast Technical Community
College
801 E. Benjamin Avenue
Norfolk, NE 68701
(402) 371-2020

Wayne

U. S. Conn Library
Wayne State College
Wayne, NE 68787
(402) 375-2200, ext. 213

NEVADA

Boulder City:

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 427, Park Street
Boulder City, NV 89005

Reno:

Government Publications Department
University of Nevada Library
Reno, NV 89557
(702) 784-6579

NEW HAMPSHIRE

Concord:

Law Division, State Library
Supreme Court Building
Loudon Road
Concord, NH 03301
(603) 271-3777

New London:

Fernald Library
Colby—Sawyer College
New London, NH 03257

NEW JERSEY

Bloomfield:

Bloomfield Public Library
90 Broad Street
Bloomfield, NJ 07003
(201) 429-9292

Bridgeton:

Cumberland County Library
800 East Commerce Street
Bridgeton, NJ 08302

Elmer:

Arthur P. Schalick High School
Elmer—Centerton Road
R.D. 1
Elmer, NJ 06318

Hackensack:

Johnson Free Public Library
Hackensack Area Reference Library
275 Moore Street
Hackensack, NJ 07601

Jersey City:

Hudson Health Systems Agency
Library
871 Berger Avenue
Jersey City, NJ 07306

Lawrenceville:

Franklin F. Moore Library
Rider College
Lawrenceville, NJ 08648
(609) 896-5115

Mahwah:

Ramapo College Library
505 Ramapo Valley Road
Mahwah, NJ 07430

Newark:

Newark Public Library
5 Washington Street
P.O. Box 630
Newark, NJ 07101
(201) 733-7782

Paterson:

Paterson Free Public Library
250 Broadway
Paterson, NJ 07501
(201) 881-3750

Pomona:

Stockton State College
Pomona, NJ 08240
(609) 652-1776, ext. 266

Toms River:

Ocean County College
Learning Resources Center
College Drive
Toms River, NJ 08753
(201) 255-4000 ext. 385

Trenton:

New Jersey State Law Library
185 West State Street
P.O. Box 1898
Trenton, NJ 08625
(609) 292-6230

Voorhees:

Camden County Library
Echelon Urban Center
Laurel Road
Voorhees, NJ 08043
(609) 772-1636

NEW JERSEY—Continued

Wayne:

Wayne Public Library
475 Valley Road
Wayne, NJ 07470
(201) 694-4272

NEW MEXICO

Albuquerque:

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1696
Albuquerque, NM 87103

The University of New Mexico
General Library
Albuquerque, NM 87131
(505) 277-4241 and 277-5441

The University of New Mexico
School of Law Library
1117 Stanford NE
Albuquerque, NM 87131
(505) 277-6236

Las Vegas:

New Mexico Highlands University
Donnelly Library
Las Vegas, NM 87701

Portales:

Golden Library
Documents Department
Eastern New Mexico University
Portales, NM 88130

Santa Fe:

New Mexico State Library
300 Don Gaspar
Santa Fe, NM 87503
(505) 827-2033

Office of the Solicitor, Law Library
U.S. Department of the Interior
U.S. Courthouse, Room 224
P.O. Box 1042
Santa Fe, NM 87501

Silver City:

Miller Library
Western New Mexico University
Silver City, NM 88061

NEW YORK

Albany:

The New York State Library
The State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

Brooklyn:

Brooklyn Public Library
Business Library
280 Cadman Plaza West
Brooklyn, NY 11201
(212) 780-7800

Corning:

The Arthur A. Houghton, Jr. Library
Corning Community College
Corning, NY 14830
(607) 962-9251

Garden City:

Adelphi University
Swirbul Library
South Avenue
Garden City, NY 11530
(516) 294-8700 ext. 7345

Geneseo:

State University of New York at
Geneseo
Milne Library
Government Documents
Geneseo, NY 14454

Greenvale:

C. W. Post Center—Long Island
University
B. Davis Schwartz Memorial Library
Greenvale, NY 11548

Niagara Falls:

Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305
(716) 278-8113

Oswego:

State University of New York at
Oswego
Oswego, NY 13126
(315) 341-4267

Rochester:

Rochester Public Library
Business and Social Science Division
115 South Avenue
Rochester, NY 14604
(716) 428-7342

Schenectady:

Schenectady County Public Library
Liberty and Clinton Streets
Schenectady, NY 12305

Syracuse:

Reference Department
Onondaga County Public Library
335 Montgomery Street
Syracuse, NY 13202
475-8458

Uniondale:

Nassau Library System
900 Jerusalem Avenue
Uniondale, NY 11553
(516) 292-8920

NORTH CAROLINA

Asheboro:

Asheboro Public Library
201 Worth Street
Asheboro, NC 27203
(919) 629-3329

Boone:

Regional Information Center
Region D Council of Governments
P.O. Box 1820
Boone, NC 28607

Charlotte:

Public Library of Charlotte and
Mecklenburg County
310 N. Tryon Street
Charlotte, NC 28202
(704) 374-2540

Durham:

William Perkins Library
Public Documents Department
Duke University
Durham, NC 27706
(919) 684-2380

Gastonia:

Gaston County Public Library*
Headquarters: Gaston-Lincoln
Regional Library
1555 East Garrison Boulevard
Gastonia, NC 28052
(704) 865-3418

Raleigh:

Documents Department
The D. H. Hill Library
North Carolina State University
Box 5007
Raleigh, NC 27650

Winston-Salem:

Forsyth County Public Library
660 West Fifth Street
Winston-Salem, NC 27101
(919) 727-2220

NORTH DAKOTA

Bismarck:

Bismarck Junior College*
Schafer Heights
Bismarck, ND 58501

North Dakota State Library
Highway 83 North
Bismarck, ND 58505
224-2490

Office of Program Planning*
All Nations Circle - Bldg. 35
United Tribes Educational Technical
Center
3315 South Airport Road
Bismarck, ND 58501

OHIO

Athens:

Government Documents Department
Ohio University Library
Athens, OH 45701
(614) 594-5604

Cincinnati:

Municipal Reference Library
224 City Hall
Cincinnati, OH 45202

National Institute for Occupational
Safety and Health
Division of Technical Services
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226

Ohio River Basin Commission Library
Suite 208-20, 36 East 4th Street
Cincinnati, OH 45206
(513) 684-3831

Cleveland:

Cleveland Public Library
325 Superior Avenue
Cleveland, OH 44114

OHIO—Continued

Cleveland Regional Sewer District*

Library
Administrative Offices
801 Rockwell Avenue
Cleveland, OH 44114
(216) 781-6600 ext. 219

Cleveland Heights:

Cleveland Heights—University
Heights Public Library
2345 Lee Road
Cleveland Heights, OH 44118
(216) 932-3600

Columbus

The State Library of Ohio
65 South Front Street
Columbus, OH 43215
(614) 466-2694

Dayton:

University Library
Wright State University
Dayton, OH 45435

Findlay:

Marathon Oil Company
Law Library, Room 854-M
539 South Main Street
Findlay, OH 45840
(419) 422-2121 ext. 3376

Shafer Library
Findlay College
1000 N. Main Street
Findlay, OH 45840
(419) 422-8313

Marion:

Marion Public Library*
445 E. Church Street
Marion, OH 43302
(614) 387-0992

Toledo:

Toledo—Lucas County Public Library
Social Science Department
325 Michigan Street
Toledo, OH 43624
(419) 242-7361 ext. 241

Wooster:

Andrews Library
The College of Wooster
Wooster, OH 44691

OKLAHOMA

Aradarko:

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 397
Aradarko, OK 73005

Muskogee:

Office of the Field Solicitor, Law
Library
U.S. Department of the Interior
P.O. Box 1508
Muskogee, OK 74401

Norman:

Law Library
University of Oklahoma
300 Timberdell
Norman, OK 73019

Oklahoma City:

Oklahoma Department of Libraries
U.S. Documents Regional Depository
200 N.E. 18th Street
Oklahoma City, OK 73105
(405) 521-2502

Pawhuska:

Field Solicitor, Law Library
U.S. Department of the Interior
c/o Osage Agency
Pawhuska, OK 74056

Stillwater:

Documents Department
Edmon Low Library
Oklahoma State University
Stillwater, OK 74074
(405) 624-6546

Tulsa:

Office of the Regional Solicitor, Law
Library
U.S. Department of the Interior
P.O. Box 3156
Tulsa, OK 74101

OREGON

Eugene:

University of Oregon Library
Government Documents Section
Eugene, OR 97403
(503) 686-3070

Portland:

Library Association of Portland
(Multnomah County Library)
801 S.W. 10th Avenue
Portland, OR 97205
223-7201

Salem:

Oregon State Library
State Library Building
Salem, OR 97310
(503) 376-4276

PENNSYLVANIA

Aliquippa:

B.F. Jones Memorial Library*
Aliquippa District Center
663 Franklin Avenue
Aliquippa, PA 15001
(412) 375-7174

Allentown:

The John A. W. Haas Library
Muhlenberg College
Allentown, PA 18104

Dallas:

Library
College Misericordia
Dallas, PA 18612

Harmony:

Library
Seneca Valley Senior High School*
Southwest Butler County School
District
R.D. 2
Harmony, PA 16037

Harrisburg:

State Library of Pennsylvania
Box 1601
Harrisburg, PA 17126
(717) 787-7343

Hazleton:

Hazleton Area Public Library
Church and Maple Streets
Hazleton, PA 18201
454-2961/454-0244

Lancaster:

Fackenthal Library
Franklin and Marshall College
P.O. Box 3003
Lancaster, PA 17604
(717) 291-4210

Loretto:

Pius XII Memorial Library
Saint Francis College
Loretto, PA 15940

Millersville:

Millersville State College
Millersville, PA 17551

Vein

Stayer R & L Center
Millersville State College
Millersville, PA 17551
(717) 872-5411 ext. 552, 542

Newtown:

The Library
Bucks County Community College
Newtown, PA 18940

Philadelphia:

Government Publications Department
Free Library of Philadelphia
Logan Square
Philadelphia, PA 19103

Pittsburgh:

Baldwin Borough Public Library
3344 Churchview Avenue
Pittsburgh, PA 15227

U.S. Bureau of Mines
Library
4800 Forbes Avenue
Pittsburgh, PA 15213

Shippensburg:

Ezra Lehman Memorial Library
Shippensburg State College
Shippensburg, PA 17257

Somerset:

Somerset State Hospital Library
Box 631
Somerset, PA 15501
(814) 445-6501, ext. 216

Swarthmore:

The Swarthmore College Library
The McCabe Library
Swarthmore, PA 19081
(215) KI 4-7900

Washington:

Washington County Law Library
Courthouse
Washington, PA 15301
(412) 228-6747

West Chester:

Francis Harvey Green Library*
West Chester State College
West Chester, PA 19380
(215) 436-2869

Wilkes-Barre:

Institute of Regional Affairs*
Wilkes College
Wilkes-Barre, PA 18703

RHODE ISLAND

Kingston:

Government Publications Office
University of Rhode Island
Library
Kingston, RI 02881
(401) 792-2602

Providence:

Brown University Library
Documents Department
Providence, RI 02912
(401) 863-2522

Providence Public Library
150 Empire Street
Providence, RI 02903
(401) 521-7722

Rhode Island College
James P. Adams Library
Documents Department
600 Mt. Pleasant Avenue
Providence, RI 02908
(401) 274-4900 ext. 331

Warwick:

Warwick Public Library
600 Sandy Lane
Warwick, RI 02886
(401) 739-5440

SOUTH CAROLINA

Charleston:

Baptist College of Charleston
P. O. Box 10087
Charleston, SC 29411

Charleston County Library
404 King Street
Charleston, SC 29403

Citadel
Charleston, SC 29409

College of Charleston
66 George Street
Charleston, SC 29401

Clemson:

Clemson University
Clemson, SC 29631

Columbia:

Benedict College
Blanding & Harden Streets
Columbia, SC 29204

Richland County Public Library
1400 Sumter Street
Columbia, SC 29201

South Carolina State Library
1500 Senate Street
Columbia, SC 29201

University of South Carolina
Columbia, SC 29208

Conway:

Coastal Carolina (of University of SC)
Route 6
Conway, SC 29526

Due West:

Erskine College*
Due West, SC 29639

Florence:

Florence County Library
319 S. Irby Street
Florence, SC 29501

Francis Marion College

Florence, SC 29501

Greenville:

Furman University
Greenville, SC 29613

Greenville County Library
300 College Street
Greenville, SC 29601

Greenwood:

Larry A. Jackson Library
Lander College
Greenwood, SC 29646

Orangeburg:

South Carolina State College
College Avenue
Orangeburg, SC 29117

Rock Hill:

Winthrop College
Rock Hill, SC 29733

Spartanburg:

Spartanburg County Library
P. O. Box 2409
333 S. Pine Street
Spartanburg, SC 29304

SOUTH DAKOTA

Aberdeen:

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 549
Aberdeen, SD 57401

Brookings:

H. M. Briggs Library
South Dakota State University
Brookings, SD 57007
(605) 688-5106

Rapid City:

Devereaux Library
South Dakota School of Mines &
Technology
Rapid City, SD 57701
(605) 394-2418

TENNESSEE

Chattanooga:

Hamilton County Bicentennial Library
Business, Science and Technology
Department
1001 Broad Street
Chattanooga, TN 37402
(615) 757-5312

Clarksville:

Woodward Library
Austin Peay State University
Clarksville, TN 37040
(615) 648-7346

Nashville:

Documents Unit
Joint University Libraries
Nashville, TN 37203

Tennessee State Library
Tennessee State Library and Archives
403 Seventh Avenue North
Nashville, TN 37219
(615) 741-2451

TEXAS

Amarillo:

Amarillo Public Library*
City of Amarillo
P.O. Box 2171
413 E. 4th
Amarillo, TX 79189

Field Solicitor

U.S. Department of the Interior
P.O. Box H-4393, Herring Plaza
Amarillo, TX 79101

College Station:

Documents Division
University Libraries
Texas A & M University
College Station, TX 77843

Dallas:

U.S. Environmental Protection Agency
Region VI
1201 Elm Street
Dallas, TX 75270

Denton:

Texas Woman's University Library
Box 23715, TWU Station
Denton, TX 76204
(817) 566-6415

El Paso:

El Paso Public Library
Documents Section
501 North Oregon Street
El Paso, TX 79901
(915) 543-3808

Hurst:

Hurst Public Library
901 Precinct Line Road
Hurst, TX 76053
(817) 485-5320

Lubbock:

School of Law Library
Texas Tech University
Lubbock, TX 79409

Victoria:

Documents Department
VC/UHVC Library
2602 N. Ben Jordan
Victoria, TX 77901
(512) 576-3151, ext. 201
(512) 573-3291

UTAH

Cedar City:

Southern Utah State College Library
Cedar City, UT 84720

Ephraim:

Lucy A. Phillips Library
Snow College
Ephraim, UT 84627

Logan:

Documents Department
Merrill Library, UMC 30
Utah State University
Logan, UT 84322

Ogden:

Weber State College Library
Ogden, UT 84403

UTAH—Continued

Provo:

Harold B. Lee Library
Documents and Maps Section
Brigham Young University
Provo, UT 84602
Law Library
Brigham Young University
Provo, UT 84602

Salt Lake City:

Regional Solicitor
U.S. Department of the Interior
Suite 6201, Federal Building
125 South State Street
Salt Lake City, UT 84138

Supreme Court Library
State Capitol
Salt Lake City, UT 84114

College of Law Library
University of Utah
Salt Lake City, UT 84112

Government Documents
Eccles Health Sciences Library
University of Utah, Bldg. 89
Salt Lake City, UT 84112

Government Documents Division
Marriott Library
University of Utah
Salt Lake City, UT 84112

Utah State Library Commission
2150 South 300 West, Suite 16
Salt Lake City, UT 84115

VERMONT

Burlington:

Bailey/Howe Library
Documents Department
University of Vermont
Burlington, VT 05405

Middlebury:

Egbert Starr Library
Government Documents Department
Middlebury College
Middlebury, VT 05753

South Royalton:

Law Library
Vermont Law School
South Royalton, VT 05068
(802) 763-8303

VIRGINIA

Alexandria:

Alexandria Library*
717 Queen Street
Alexandria, Va. 22314
(703) 750-6351

Arlington:

Office of Hearings and Appeals
Library
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, VA 22203

Danville:

Danville Community College Library
1009 Bonner Avenue
Danville, VA 24541
(804) 797-3553

Fairfax:

Fairfax City Central Library
3915 Chain Bridge Road
Fairfax, VA 22030
(703) 691-2741

Lynchburg

The Library
Lynchburg College
Lynchburg, VA 24501

Norfolk:

Norfolk Public Library System
301 East City Hall Avenue
Norfolk, VA 23510

Reston:

U.S. Geological Survey
Library
National Center, Mail Stop 950
Reston, VA 22092

Richmond:

Learning Resources Center
Parham Road Campus
J. Sargeant Reynolds Community
College

P.O. Box 12084
Richmond, VA 23241
(804) 264-3220

Municipal Library
County of Henrico
Hungary Springs & Parham Roads
Richmond, VA 23228

Virginia State Library
11th & Capitol Streets
Richmond, VA 23219

Roanoke:

Roanoke Law Library
210 Campbell Avenue, SW
Roanoke, VA 24011

Virginia Beach:

Public Law Library
Municipal Center
City of Virginia Beach
Virginia Beach, VA 23456

Williamsburg:

Documents Department
Earl Gregg Swem Library
College of William and Mary
Williamsburg, VA 23185

WASHINGTON

Bellingham:

Documents Division, Wilson Library
Western Washington University
516 High Street
Bellingham, WA 98225
(206) 676-3075

Cheney:

Eastern Washington University
The Library
Cheney, WA 99004
(509) 359-2475

Everett:

Everett Public Library
2702 Hoyt Avenue
Everett, WA 98201
(206) 259-8857

Snohomish County Law Library
County Courthouse
Everett, WA 98201
(206) 259-5326

Olympia:

Washington State Law Library
Temple of Justice
Olympia, WA 98504

Port Angeles:

North Olympic Library System
207 So. Lincoln
Port Angeles, WA 98362

Seattle:

NW Federal Regional Council Library
Room 1023 Arcade Plaza Building
1321 Second Avenue
Seattle, WA 98101
(206) 442-5554

Spokane:

Gonzaga University Law Library
E. 600 Sharp Avenue
P.O. Box 3528
Spokane, WA 99220

WEST VIRGINIA

Beckley:

National Mine Health and Safety
Academy
Learning Resources Center
P.O. Box 1166
Beckley, WV 25801

Charleston:

Kanawha County Public Library
123 Capitol Street
Charleston, WV 25301
(304) 343-4646

Montgomery:

Vining Library
West Virginia Institute of Technology
Montgomery, WV 25136

Weirton:

Mary H. Weir Public Library
3442 Main Street
Weirton, WV 26062
(304) 748-7070

WISCONSIN

Appleton:

Appleton Public Library
121 South Oneida Street
Appleton, WI 54911
734-7171

Green Bay:

University of Wisconsin—Green Bay
Library Learning Center
Government Publications
Green Bay, WI 54302

Kenosha:

Library/Learning Center
University of Wisconsin—Parkside
Wood Road
Kenosha, WI 53141

Ladysmith:

Mount Senario College Library
Ladysmith, WI 54848

WYOMING

Gillette:

George Amos Memorial Library
412 S. Gillette Avenue
Gillette, WY 82716
(307) 682-3223

Laramie:

Coe Library—Documents Division
University of Wyoming
Box 3334, University Station
Laramie, WY 82071
(307) 766-2174

Federal Register

Wednesday
April 20, 1983

Part III

Department of the Interior

Bureau of Land Management

Geothermal Resources Leasing Program;
Final Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3200, 3210, 3220, 3230, 3240 and 3250

[Circular No. 2523]

General Amendments to the Geothermal Resources Leasing Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: The final rulemaking will eliminate burdensome, outdated and unneeded provisions of the existing geothermal leasing regulations. The specific amendments to the existing regulations resulted from public comments on the proposed rulemaking, and an intensive review of the existing regulations by personnel in the Bureau of Land Management responsible for the geothermal leasing program.

EFFECTIVE DATE: May 20, 1983.

ADDRESS: Any suggestions or inquiries should be sent to: Director (530), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Karl F. Duscher, (202) 343-7753.

SUPPLEMENTARY INFORMATION: The proposed rulemaking amending the existing regulations for the geothermal leasing program was published in the Federal Register on April 30, 1982 (47 FR 18826). Comments were invited for a 60 day period during which time a total of 20 comments were received. Ten comments were received from the energy development industry, five comments were from other Federal agencies, two were from associations, two were from state agencies, and one was received from an individual.

Most of the comments received supported the proposed rulemaking. The sections which were most controversial and received adverse comments were those addressing diligent exploration/escalating rental requirements and environmental analysis/surface management provisions. The Bureau's response to these and other comments is given under each section heading.

Section 3200.0-5 (k)(3)

Although no specific change was proposed to this section, comments and suggestions for a new definition of "competitive interest" were invited. This section defines "competitive interest", one of the criteria used by the Secretary to classify lands as "known geothermal resource areas" (KGRA's), as existing

whenever two or more noncompetitive lease applications are filed for the same lands during the same filing period which is defined as a calendar month. Once lands are classified as KGRA's, all noncompetitive lease applications are required to be rejected and the lands are then offered at a competitive lease sale.

The comments received generally concluded that, if the concept of KGRA determination based on the number of bids received during a filing period is to be retained in the geothermal leasing program, the number of overlapping lease applications necessary to trigger a KGRA classification should be increased. Several comments indicated that reliance on any particular number of lease applications is a poor criterion for KGRA classification and that the Secretary should give greater weight to geologic indices. These comments held that the existence of competitive interest, regardless of definition, should not compel a KGRA classification.

The Department appreciates the comments submitted on this section. Following further review by the Bureau of Land Management a determination will be made as to whether a rule change is needed. Provision for more extensive use of the Secretary's discretion, as noted above, may alleviate much of the problem with the existing definition of competitive interest.

Section 3200.0-6

This section, concerning preleasing environmental review procedures, received the most comments. The effect of the proposed change would be to liberalize the preleasing procedures in line with flexibility allowed under the Council on Environmental Quality guidelines. The existing regulations imply that a multi-agency, comprehensive environmental review will be completed prior to lease issuance. However, the section does allow this to be postponed until "the need arises". The Department believes that multi-agency, comprehensive reviews should not be undertaken until the need arises. In addition, the level and intensity of the review should be dictated by the action proposed and the significant environment values that may be placed at risk by the action. In only rare instances has the need for comprehensive major environmental reviews arisen prior to lease issuance or even upon actual development on a leasehold. Only three environmental impact statements have ever been prepared in the program. One of these was a programmatic document prepared at the program's inception.

Several industry comments expressed concern that inadequate environmental reviews would be done and that leases would be issued without full identification of constraints that may seriously affect lease rights. This is a valid concern. Given the Federal government's board discretionary authority to control operations on leaseholds, prelease compliance with the National Environmental Policy Act could become a very routine matter. However, the Bureau of Land Management's policy is to conduct a prelease review that not only satisfies the National Environmental Policy Act, but also provides to potential lessees information relative to obvious, major concerns that may influence postlease operations.

Some industry comments also expressed concern that exhaustive environmental review, if not completed prior to lease issuance, would be required after lease issuance with the proposed change. It was believed that such reviews might consume much of the running time of leases while preventing exercise of lease rights. As stated above, the major environmental concerns are identified prior to lease issuance. In most cases, it is expected that lessees will submit development proposals that accommodate the concerns identified. Although the need for an exhaustive postlease environmental review should very rarely arise, identification of concerns prior to lease issuance should serve to alert all parties of the possibility.

Comments from environmental interests expressed a preference for retaining or even expanding the existing provisions addressing prelease environmental review procedures. These comments expressed the view that the various types of reviews used by the Bureau should be described in detail for the public. However, environmental procedures are already contained in the Department Manual, available to the public, which allows flexibility so that environmental reviews can be completed in a cost effective manner. These comments also cautioned that failure to adequately identify development constraints prior to lease issuance may lead to environmental concessions at the time development is proposed, under pressure from lessees to allow exercise of lease rights. With respect to this comment, adequate controls and responsibilities exist to protect all valid environmental concerns regardless of whether the concerns have been identified prior to or after lease issuance. The Department of the Interior is aware of no instance in which

environmental damage has occurred due to a valid concern not being noted in a prelease geothermal review.

After reviewing all comments received, the Department of the Interior has decided that the proposed amendment should be retained in the final rulemaking. Geothermal leases involving lands administered by the Bureau of Land Management will only be issued after necessary environmental reviews and identification of major development constraints.

Sections 3203.5 and 3205.3-3

The purpose of the proposed changes to these sections was to simplify the reporting and recordkeeping associated with diligent exploration and payment of escalating rentals. The change would have accomplished this by replacing the existing diligent "work" requirement with a higher lease rental. It was thought that the higher rental would serve as an incentive to lessees to explore and establish production, at which time they would be relieved of paying the higher rental. Comments were very supportive of the efforts to reduce reporting and recordkeeping burdens. With respect to higher rentals, only one commenter supported the increase, suggesting that it be increased even more to serve as a true incentive. However, industry commenters unanimously opposed a higher lease rental. These comments expressed the view that the speculative nature of geothermal resources was too great to justify higher rentals at this time. It was contended that higher rentals would not serve to speed development but simply increase the cost of doing business and likely lead to premature relinquishments. Some of these comments suggested that a higher rental would be acceptable provided it could be offset by expenditures made for diligent exploration as would be allowed under the proposed rulemaking for existing leases.

The industry comments on these sections were accepted. The final rule continues the diligent exploration "work" requirement, while allowing lessees the option of paying a higher rental for lease years in which, for one reason or another, diligent exploration was not justified. In recognition of the speculative nature of geothermal resources, these requirements will not apply until leases enter their sixth year.

The reduction in reporting and recordkeeping contained in the proposed rule is retained in the final rulemaking. Finally, a number of suggested changes have been incorporated to clarify the meaning of diligent exploration.

Section 3204.1

This section presently is lengthy and lists numerous terms and conditions which already generally appear in the standard lease form or in the Geothermal Resources Operational Orders. The proposed rulemaking deleted the terms and conditions from the existing regulations since they are also found on the lease form.

Few comments were received on this proposed change. Comments that were received suggested retaining the terms and conditions in the regulations. They stated that the standard lease form or a geothermal operation order could not adequately substitute for a provision in the regulations since a form or a geothermal operating order may be modified without inviting public comment. The Department believes that the terms involved, whether they appear in regulations, forms or Geothermal Resources Operational Orders constitute substantive rules. In accordance with the Administrative Procedures Act (5 U.S.C. 553), changes to substantive rules require a formal solicitation of public comments. In addition, the Paperwork Reduction Act (44 U.S.C. 3501, et seq.) requires notice and public comment whenever forms are being revised.

Section 3205.3-1

Comments received recommended clarification of the wording of this section. The suggested changes were incorporated into the final rulemaking.

Section 3205.3-3

This section has been deleted in its entirety consistent with the change made to § 3203.5. Comments concerning this section are addressed under the discussion of comments received for § 3203.5.

Section 3206.8

Only one comment was received on this proposed change which would allow oil and gas lease bonds to be amended to include coverage for geothermal leases. The comment expressed concern that there would be possible dilution of bond coverage if a single bond were allowed to cover both oil and gas operations and geothermal operations. Separation of bonding for geothermal operations was recommended in order to adequately protect the interests of the United States.

The Department does not agree that allowing geothermal bond coverage under an existing oil and gas bond would greatly dilute coverage since geothermal operations are likely to be

only a small percentage of a lessee's total potential liability. Therefore, the proposed change is included in the final rulemaking.

Sections 3210.2-1(d), 3211.1(d), 3211.2(g) and 3220.6(d)

A few comments suggest retaining these provisions of the existing regulations that require prelease exploration or development plans. It was suggested that such plans are necessary to allow an accurate prelease review. Other comments expressed support for the proposed rulemaking because of its time and cost saving features.

All comments were considered and it has been determined that the existing requirements for prelease plans should be deleted as provided in the proposed rulemaking. Experience has shown that prior to lease issuance, there is little certainty on the part of potential lessees as to exactly where exploration or development will take place.

Precise plans can be costly to develop since they require geologic and engineering findings. Although potential lessees do invest money in identifying leasing prospects, it is unrealistic to expect them to invest the much greater amount of money necessary to identify drilling locations prior to obtaining leases. For this reason, the proposed changes are made final. However, the Bureau has already consolidated the regulations in Part 3210 and Part 3211 in final rulemaking published in the *Federal Register* on February 11, 1983 (48 FR 6336).

Section 3210.3

Few comments were received on the proposed change to this section. The proposed change involves the definition of competitive interest, which is currently under review. Therefore, the Department of the Interior has decided to withdraw the proposal for change at this time.

Part 3230

The proposed deletion of this section received no comment and the deletion is made in the final rulemaking.

Section 3241.1-1(c)

Several comments requested that § 3241.1-1(c) not be amended. However, as written, this section is inconsistent with provisions of the Geothermal Steam Act (30 U.S.C. 1001-1025) regarding adjustment of lease terms. Readjustment of lease terms at less than 10 year intervals is specifically prohibited by the Act. The proposed

change is therefore adopted in the final rulemaking.

Sections 3421.2-1 and 3250.0-3

No comments were received regarding the proposed changes to these sections. And the changes are made in the final rulemaking.

Section 3250.0-5(e)

A comment made the recommendation that the phrase "power generation facility" be deleted and replaced by the phrase "utilization facilities". This suggestion is consistent with other changes in subpart 3250 and has been adopted in the final rulemaking.

Section 3250.0-6

No negative comments were received on this section and the proposed amendment is adopted in the final rulemaking.

Section 3250.1-1

In response to comments, the first paragraph of § 3250.1-1 has been simplified in the final rulemaking to remove unnecessary wording and possible misunderstandings regarding qualifications required of applicants for an exploration license.

Several comments were received concerning this section. One noted that the information required in § 3250.1-1(d)(3) of the proposed rules appeared to go beyond that required to make a land management decision concerning power plant siting. Another suggested removing § 3250.1-1(d)(3) entirely since all necessary information should already be on file in accordance with the requirements of 30 CFR Part 270. However, the information that would be required by § 3250.1-1(d)(3) under the proposed rulemaking would already be a considerable simplification of provisions of the present regulations. The remaining information requested is necessary for a basic understanding of the scope and nature of the proposed utilization facility. Therefore, the proposed rules are adopted in the final rulemaking.

Section 3250.3

Comments similar to those received on the proposed change to § 3200.0-6 were received on this section. For reasons stated under the discussion of comments under § 3200.0-6, the change proposed in § 3250.3 is retained in the final regulations.

Section 3250.6-1

A suggestion was made in a comment to remove "and operate" from the first sentence of § 3250.6-1(b). This

suggestion was adopted in the final rulemaking to more accurately state the intended requirements. A comment was also received suggesting replacing the words "Area Geothermal Supervisor" with the word "Supervisor" in order to be consistent with § 3200.0-5(g). This suggestion was also adopted in the final rulemaking.

Sections 3250.6-2 and 3250.7

No comments were received on the changes proposed for these sections and the changes are incorporated into the final rulemaking.

Section 3250.8-3

One comment stated that the minimum of \$10 per acre rental provided in the proposed rulemaking for non-electrical purposes was too low to ensure "fair return". It was recommended that the rate be raised to \$25. However, rentals for utilization licenses are established through standard appraisal procedures. The minimum \$10 rental will only be charged in cases where the appraisal results in a lower fee.

The principle author of this final rulemaking is Karl F. Duscher of the Division of Oil, Gas, and Geothermal, Bureau of Land Management, Washington, D.C. assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this final rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

This rulemaking is not anticipated to have a significant economic impact. The reduction in burden imposed on individuals or institutions seeking to develop geothermal resources is expected to have a positive economic effect due to an associated reduction in paperwork and related administrative costs. Such reductions should not create any additional costs for other sectors of the economy.

The information collection requirements contained in 43 CFR Part 3250 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0063.

List of Subjects

43 CFR Part 3200

Environmental protection, Geothermal energy, Mineral Royalties, Public lands: classification, Public lands: mineral resources, Surety bonds.

43 CFR Parts 3210, 3220 and 3230

Geothermal energy, Public lands: mineral resources.

43 CFR Part 3240

Geothermal energy, Mineral royalties, Public lands: mineral resources, Water resources.

43 CFR Part 3250

Electric power, Geothermal energy, Public lands—mineral resources.

Under the authority of the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025), the regulations at Group 3200, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations are amended as set forth below:

Dated: February 10, 1983.
Garrey E. Carruthers,
Assistant Secretary of the Interior.

PART 3200—GEOTHERMAL RESOURCES LEASING; GENERAL

1. Section 3200.0-6 is revised to read:

§ 3200.0-6 Preleasing procedures.

When an area is initially considered for geothermal leasing or when the need arises, the authorizing officer shall complete, in a timely manner, any environmental review determined to be necessary to conform with the National Environmental Policy Act of 1969 (42 U.S.C. 43323).

§ 3201.1-5 [Amended]

2. Section 3201-5 is amended by removing paragraph (b) in its entirety and removing the designation "(a)" at the beginning of the first paragraph of that section.

§ 3201.2 [Amended]

3. Section 3201.2(d) is amended by removing subparagraphs (3) and (4) in their entirety.

4. Section 32301.2(d) is revised to read:

§ 3203.5 Diligent exploration.

Each geothermal lease shall include provisions requiring diligent exploration until there is a well(s) capable of commercial production on the leased lands. Diligent exploration means postlease field operations, conducted by the lessee or designated operator, on or related to the leased lands. Diligent exploration operations include, but are not limited to, geochemical surveys, heat

flow measurement, core drilling or test drilling of test wells. To qualify as diligent exploration, the results and associated expenditures of operation shall be submitted to the supervisor in accordance with applicable regulations. In addition, to qualify after the fifth year of the lease, operations shall exceed minimum per acre expenditure in accordance with the following table:

Lease year	Expenditure per acre
6	\$4
7	6
8	8
9	10
10-15	12

All expenditures qualifying as diligent exploration during the first 5 years of a lease, and all expenditures during any subsequent year in excess of the minimum requirement, shall be credited by the supervisor against the requirement for successive years. However, in lieu of performing the minimum required diligent exploration in any lease year in which a minimum requirement is specified, the lessee may exercise the option of paying an additional rental of \$3 per acre or fraction thereof. Failure to either pay the additional rental or complete the minimum required diligent exploration by the end of a lease year shall subject the lease to cancellation.

5. Section 3204.1 is revised to read:

§ 3204.1 General.

A lessee shall comply with all of the standard lease terms and conditions, any special lease stipulations added by the authorized officer and all Geothermal Resource Operational Orders issued pursuant to 30 CFR 270.11.

§ 3204.2 [Removed]

6. Section 3204.2 is removed in its entirety.

§ 3204.3 [Redesignated as § 3203.9]

7. Section 3204.3 is renumbered § 3203.9.

§ 3204.4 [Redesignated as § 3203.7]

8. Section 3204.4 is renumbered § 3203.7.

§ 3204.5 [Redesignated as § 3203.8]

9. Section 3204.5 is renumbered § 3203.8.

§ 3204.6 [Removed]

10. Section 3204.6 is removed in its entirety.

§ 3205.3-1 [Amended]

11. Section 3205.3-1 is amended by:

- Revising the second sentence to read as follows:

"An application accompanied by a payment of the first year's rental which is deficient by not more than 10 percent shall be accepted by the authorized officer provided all other requirements are met, but if the additional rental is not paid within 30 days after receipt of notice the application shall be rejected or the lease, if issued, will be cancelled.

- Revising the last sentence to read as follows:

"If the annual rental established for the lease to be issued is more than \$1 per acre or fraction thereof, the applicant shall submit the additional rental due within 30 days after receipt of notice of the application shall be rejected."

§ 3205.3-3 [Removed]

12. Section 3205.3-3 is removed in its entirety.

§ 3206.8 [Amended]

13. Section 3206.8 is amended by revising the first sentence to read: "The provisions of these regulations may be made applicable to any oil and gas nationwide or statewide bond by filing in the proper BLM office a written consent to that effect and an agreement to be bound by the provisions of this section executed by the principal and surety."

§ 3209.3 [Amended]

14. Section 3209.3 is amended by revising the last sentence to read "Within 90 days after the filing of such 'Notice of Completion,' the authorized officer shall notify the party who had conducted the operations whether all the terms and conditions set out by the regulations in this subpart and in the Notice of Intent have been met, or whether additional measures shall be taken to correct any unacceptable damage to the lands, specifying the nature and extent of such measures."

PART 3210—NONCOMPETITIVE LEASES

§ 3210.2-1 [Amended]

15. Section 3210.2-1 is amended by removing paragraph (d) in its entirety and renumbering paragraph (e) as paragraph (d).

§ 3210.2-2 [Amended]

16. Section 3210.2-2 is amended by revising the first sentence to read "Applications for leases under this subpart shall be submitted only during application filing periods." and by

removing the third sentence in its entirety.

PART 3220—COMPETITIVE LEASES

§ 3220.6 [Amended]

17. Section 3220.6(d) is amended by revising the first sentence to read "If the lease is awarded, 3 copies of the lease shall be sent to the successful bidder who shall execute them within 30 days from receipt thereof, pay the first year's rental and file the required bond(s)."

PART 3230—RIGHTS TO CONVERSION TO GEOTHERMAL LEASES OR APPLICATION FOR GEOTHERMAL LEASES [REMOVED]

18. Part 3230 is removed in its entirety.

PART 3240—RULES GOVERNING LEASES

§ 3241.1-1 [Amended]

19. Section 3241.1-1 is amended by removing paragraph (c) in its entirety.

§ 3241.2-1 [Amended]

20. Section 3241.2-1 is amended by inserting in the first sentence immediately after the word "approval" the words "or validation."

21. The title of subpart 3250 is revised to read:

Subpart 3250—Utilization of Geothermal Resources

Note.—The information collection requirements contained in this subpart have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0063. This information is needed to permit the authorized officer to determine if a permit should be granted for use of the public lands for utilization of geothermal resources. The obligation to respond is required to obtain a benefit.

PART 3250—UTILIZATION OF GEOTHERMAL RESOURCES

§ 3250.0-1 [Amended]

22. Section 3250.0-1 is amended by removing the phrase "for the purpose of generating electric power" at the end of the paragraph.

§ 3250.0-3 [Amended]

23. Section 3250.0-3 is amended by revising the last sentence to read "The right to use lands under geothermal lease for the purpose of utilizing geothermal resources may be exercised only in accordance with these regulations."

24. Section 3250.0-5 is amended by revising paragraph (d) and adding a new paragraph (e) to read:

§ 3250.0-5 Definitions.

(d) "Utilization site" means that tract of Federal lands under geothermal lease authorized for utilization of geothermal energy including, but not limited to, substations, switch yards, waste disposal and storage facilities, utility service lines, transmission lines, loading docks, processing plants, greenhouses, gasohol plants, crop dryers and appurtenant structures.

(e) "Joint Utilization Agreement" means the arrangement between the holder of a geothermal resource lease and a third party for utilization of geothermal steam and associated geothermal resources produced from a leasehold, for operation of utilization facilities.

§ 3250.0-6 [Amended]

25. Section 3250.0-6 is amended by removing from the last sentence the phrase "a power plant site" and replacing it with the phrase "any proposed utilization."

26. Section 3250.1-1 is amended by revising the introductory text, paragraphs (d)(2) and (d)(3) to read:

§ 3250.1-1 Requirements for application.

Any lessee or any party to a joint utilization agreement or a sales contract who desires a license to use the surface of lands under Federal geothermal lease for construction of utilization facilities, other than as provided in 30 CFR Part 270 and § 3250.4 of this title, shall file an application with the authorized officer."

(d) * * *

(1) * * *

(2) A map or maps showing the boundaries of the site and the location and dimensions of buildings, cooling towers or ponds, waste disposal or storage sites, switch yards, roads, pipelines, utility service lines, transmission lines and all other structures or facilities used in connection with the utilization of the geothermal steam and associated geothermal resources. In addition, the authorized officer may require maps showing the general location of

proposed facilities to be used in connection with utilization of the geothermal resources but outside the license area.

(3) A description of the proposed facility including pertinent information about any substations included in the facility, indicating whether the proposed facility is to be interconnected with other facilities and whether the energy produced is to be sold to others or used by the applicant.

27. Section 3250.3 is revised to read:

§ 3250.3 Environmental analysis.

The authorized officer shall complete, in a timely manner, any environmental review determined to be necessary to conform with the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

§ 3250.5-1 [Amended]

28. Section 3250.5-1 is amended by removing from the first sentence of both paragraph (a) and paragraph (b) the phrase "a power plant site utilizing" and replacing it with the phrase "utilization facilities for".

§ 3250.5-2 [Amended]

29. Section 3250.5-2 is amended by removing the phrase "a power plant site utilizing" and replacing it with the phrase "utilization facilities for".

30. Section 3250.6-1 is revised to read:

§ 3250.6-1 Area covered by license.

(a) The area approved for the proposed utilization site shall be reasonably compact as determined by the authorized officer and shall be limited to as much of the surface of the lands applied for as the authorized officer determined necessary for the adequate utilization of the geothermal resources.

(b) Prior to commencing any surface disturbance activities related to the construction of a utilization facility licensed under provisions of this group, a permit to construct a utilization facility shall be obtained from the Supervisor. The application for such permit shall be filed in triplicate under the regulations in 30 CFR Part 270.

§ 3250.6-2 [Amended]

31. Section 3250.6-2 is amended by removing from paragraph (a) the phrase "an electrical power plant" and replacing it with the phrase "a utilization facility" and by removing from paragraph (c) the phrase "power plant" and replacing it with the phrase "utilization facility".

§ 3250.6-3 [Amended]

32. Section 3250.6-3 is amended by revising the first sentence to read "Rental at a rate to be determined by the authorized officer shall be paid annually, but said rental shall not be less than \$100 per acre if the utilization facility is for electrical generation, or not less than \$10 per acre if the utilization facility is for nonelectrical purposes."

33. Section 3250.7 is amended by revising paragraph (c)(2) to read:

§ 3250.7 Bonds.

(a) *Surety bond.* The licensee of an electrical generating facility shall furnish and maintain a surety bond of not less than \$100,000, conditioned upon compliance with all the terms and conditions of the license. The licensee for a nonelectrical utilization facility may be required to furnish a surety bond in an amount specified by the authorized officer. The authorized officer may determine not to require a surety bond in circumstances where it is determined that the nonelectrical uses have a low potential for causing damage to the environment.

(c) * * *

(2) indemnify the United States against any liability for damages or injury to life, person or property arising from the occupancy or use of the lands under license. Where a utilization facility license is granted under this subpart to a State or other governmental agency which does not have the authority to assume such liability with respect to damages caused by it to lands or property, such agency shall be responsible for repair or all such damages

[FR Doc. 83-10470 Filed 4-19-83; 8:45 am]

BILLING CODE 4310-84-M

federal register

**Wednesday
April 20, 1983**

Part IV

Department of Education

**Office of Elementary and Secondary
Education**

**Financial Assistance to State Educational
Agencies To Improve the Interstate and
Intrastate Coordination of Migrant
Education Activities; Proposed Rule and
Application Notice for Fiscal Year 1983
(Program Year 1983-84)**

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Part 205

Chapter 1 of the Education Consolidation and Improvement Act of 1981; Financial Assistance to State Educational Agencies To Improve the Interstate and Intrastate Coordination of Migrant Education Activities

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations for the Migrant Education Interstate and Intrastate Coordination Program authorized under the Education Consolidation and Improvement Act of 1981. This program provides financial assistance to State educational agencies (SEAs) for projects designed to improve the interstate and intrastate coordination of migrant education activities, including those activities conducted under the Migrant Education Program.

DATE: Comments must be received on or before June 6, 1983.

ADDRESS: Comments should be addressed to Mr. Vidal A. Rivera, Jr., Acting Director, Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 1100, Donohoe Bldg.), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Vidal A. Rivera, Jr. Telephone No. (202) 245-2222.

SUPPLEMENTARY INFORMATION:

A. Overview of Chapter 1

Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1) was enacted as part of Subtitle D of Title V of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). Chapter 1 supersedes Title I of the Elementary and Secondary Education Act of 1965, as amended (Title I). The purpose of Chapter 1 is to continue to provide financial assistance to State and local educational agencies (LEAs) to meet the special educational needs of educationally deprived children, on the basis of entitlements calculated under Title I, but to do so in a manner which will eliminate burdensome, unnecessary, and unproductive paperwork and free the schools of unnecessary Federal supervision, direction, and control.

These proposed regulations apply only to that portion of Chapter 1 that provides financial assistance to SEAs

for special projects designed to improve interstate and intrastate coordination among State and local educational agencies of educational programs available for migratory students.

B. Overview of These Proposed Regulations

These proposed regulations relate to—

- General matters such as the purpose of this program, eligibility as a grantee, and regulations and definitions that apply to this program;
- How an SEA applies for a grant, including the required contents of an application and how an SEA must develop its application; and
- How a grant is made to an SEA, including how an application is evaluated, the selection criteria for reviewing an application, and the factors considered in awarding a grant.

C. Application of Other Statutes and Regulations

(1) Recipients of funds under Chapter 1 must comply with Federal civil rights laws generally applicable to recipients of Federal financial assistance; consequently, those laws, as well as the regulations that implement them, apply to all Chapter 1 programs. The applicable civil rights regulations are found in 34 CFR Parts 100, 104, and 106. Although regulations implementing the Age Discrimination Act of 1975 have not yet been published, recipients of Chapter 1 funds must comply with the provisions of that Act.

(2) Section 596 of the ECIA makes certain sections of the General Education Provisions Act (GEPA) specifically applicable to Chapter 1 programs. Subject to the exceptions noted below, the Secretary adopts the interpretation that the other provisions of GEPA are applicable to Chapter 1. These proposed regulations reflect that interpretation.

Even though GEPA generally applies to Chapter 1, some specific provisions of GEPA are inapplicable because: they are specifically made inapplicable by the ECIA, they are superseded by specific provisions of the ECIA, or for other reasons explained in the following paragraphs. Other provisions of GEPA, though not inapplicable, have been superseded by the Department of Education Organization Act or are otherwise irrelevant to the operation of the Chapter 1 program. After a careful consideration of the ECIA and its legislative history, the Secretary interprets the following sections of GEPA as inapplicable to Chapter 1 as a matter of law:

(a) Section 408(a)(1) of GEPA (authorizing the Secretary to promulgate regulations), 20 U.S.C. 1221e-3(a)(1), is superseded by Section 591(a) of the ECIA.

(b) Section 425 of GEPA, 20 U.S.C. 1231b-2, provides complex procedures regarding certain actions by an SEA that affect applicants or recipients under an applicable program. Section 425 also provides for Federal Review of an SEA's action under that section. The Secretary believes that this provision was not intended to apply to Chapter 1. Section 425 applies only the programs in which assistance is provided "in accordance with a State Plan approved by the Secretary." Chapter 1 is not such a program. Further, Section 425 is clearly inconsistent with Section 552 of Chapter 1 which provides: "The Congress declares it to be the policy of the United States to continue to provide financial assistance to State and local educational agencies to meet the special educational needs of educationally deprived children * * * but to do so in a manner which will * * * free the schools of unnecessary Federal supervision, direction, and control."

(c) Section 426(a) of GEPA (relating to technical assistance from the Department), 20 U.S.C. 1231(a), is superseded by Section 591(b) of the ECIA.

(d) Section 427 of GEPA, 20 U.S.C. 1231d, directs the promulgation of Federal regulations or criteria relating to parental participation where the Secretary determines that parental participation at the State or local level will increase the effectiveness of a Federal program. The Secretary believes that Section 427 should not be invoked with respect to Chapter 1 even in the context of a determination of general GEPA applicability. The matter of parental involvement is covered in Section 556(b)(3) of Chapter 1, and the Secretary regards this section as preemptive and rendering unnecessary the issuance of regulations or criteria under Section 427 of GEPA.

(3) Sections 1741 (distribution of block grant funds), 1742 (reports on the proposed use of funds and public hearings), 1743 (transition provisions), and 1745 (State audit requirements) of the Omnibus Budget Reconciliation Act of 1981 do not apply to Chapter 1. However, Section 1744 regarding access to records by the Comptroller General by its own terms does apply.

(4) The Education Department General Administrative Regulations (EDGAR) do apply to projects funded under these proposed regulations for the Migrant Education Interstate and

Intrastate Coordination Program. Those portions of EDGAR that apply to the Program are found in 34 CFR Parts 74, 75, 77 and 78.

The President's Task Force on Regulatory Relief has named EDGAR as a target for review. Therefore, the Department of Education will review EDGAR for the purpose of identifying opportunities to reduce paperwork and other burdens. Deregulation resulting from this review will be reflected in the final EDGAR regulations.

For the most part, EDGAR is inapplicable to programs funded under Chapter 1 of the Education Consolidation and Improvement Act. See, Final Regulations for programs of financial assistance to meet special educational needs of disadvantaged children, 45 FR 52340 (November 8, 1982), and Proposed Regulations for agencies to meet special educational needs of migratory children, handicapped, and neglected or delinquent children in institutions, 45 FR 54718 (December 3, 1982). However, EDGAR is applicable to these proposed regulations for the Migrant Education Interstate and Intrastate Coordination Program because unlike the others, the Program distributes funds to State educational agencies on the basis of a competitive application process.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291 of February 17, 1981 and are classified as non-major because they do not meet the criteria for major regulations published in the Order.

The purpose of Executive Order 12291 is to relieve regulatory burdens. The Order requires the Department of Education (ED), when promulgating new regulations, to—

(a) Base administrative decisions on adequate information concerning the need for, and consequences of, proposed Government action;

(b) Ensure that a regulation's benefits to society outweigh its costs to society;

(c) Choose regulatory objectives that maximize the net benefits to society; and

(d) Choose the regulatory approach involving the least net cost to society.

The Secretary has, to the maximum extent possible, incorporated these requirements as part of the Department's procedures for promulgating regulations. To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is especially invited on whether there may be further

opportunities to reduce any regulatory burden found in these proposed regulations.

Regulatory Flexibility Act

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. Under these proposed regulations, grants are available only to State agencies. As defined in the Regulatory Flexibility Act, "small entities" only includes small businesses, small organizations, and small governmental jurisdictions. The definitions of "small governmental jurisdiction" does not include States or State agencies.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before June 6, 1983, will be considered in developing the final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 1100, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

List of Subjects in 34 CFR Part 205

Education, of disadvantaged, Elementary and secondary education, Grant programs—education, Migrant labor.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations. Reference to "Sec." in these citations refer to sections of the Education Consolidation and Improvement Act of 1981 and to Title I of the Elementary and Secondary Education Act, as amended, respectively.

(Catalog of Federal Domestic Assistance No. 84.144: Migrant Education/Interstate and Intrastate Coordination Program)

Dated: April 14, 1983.

T. H. Bell,

Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by revising Part 205 to read as follows:

PART 205—CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981—FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES TO IMPROVE THE INTERSTATE AND INTRASTATE COORDINATION OF MIGRANT EDUCATION ACTIVITIES

Subpart A—General

Sec.

205.1 Purpose.

205.2 Eligibility to participate as a grantee.

205.3 Regulations that apply.

205.4 Definitions that apply.

205.5 Acronyms.

Subpart B—Types of Activities That the Secretary Assists Under This Program

205.10 Type of projects that may be funded.

Subpart C—How To Apply for a Grant

205.20 Information required in an application.

205.21 Specific information required in a group application.

205.22 Consultation with other agencies.

Subpart D—How Grants Are Made

205.30 Application evaluation.

205.31 Selection criteria for reviewing an application.

205.32 Factors considered in awarding a grant.

Authority: Section 554(a) of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Pub. L. 97-35) (20 U.S.C. 3803(a)) and Section 143 of Title I, Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95-561) (20 U.S.C. 2763), unless otherwise noted.

Subpart A—General

§ 205.1 Purpose.

The Migrant Education Interstate and Intrastate Coordination Program is designed to provide financial assistance to State educational agencies (SEAs) for projects designed to improve interstate and intrastate coordination of migrant education activities among SEAs and local educational agencies (LEAs). The projects may be designed to include SEAs, LEAs, and other operating agencies participating in the Chapter 1 Migrant Education Program.

(Sec. 552, 20 U.S.C. 3801; Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.2 Eligibility to participate as a grantee.

Only SEAs, either individually or cooperatively (i.e., through a group or consortium), may apply for a grant under this program.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.3 Regulations that apply.

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

(b) The regulations in this Part 205.
(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.4 Definitions that apply.

The definitions in the regulations for the Chapter 1 Migrant Education Program (34 CFR Part 201) published on _____¹ apply to this program.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.5 Acronyms.

The following acronyms are used frequently in these regulations:

"LEA" stands for local educational agency.

"SEA" stands for State educational agency.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

Subpart B—Types of Activities that the Secretary Assists Under this Program**§ 205.10 Types of projects that may be funded.**

The Secretary may make grants to an SEA or SEAs to carry out among State and local educational agencies projects designed to improve the interstate and intrastate coordination of the educational programs available for migratory students.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

Subpart C—How to Apply for a Grant**§ 205.20 Information required in an application.**

In applying for a grant, an SEA shall follow the procedures and meet the requirements stated in Subpart C of 34 CFR Part 75.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.21 Specific information required in a group application.

In applying for a grant, an SEA shall provide information relevant to any proposed consortium of SEAs (for a group application only) as required by Subpart C of 34 CFR Part 75. In addition, the application must include—

(a) An identification of each SEA proposed to participate in the consortium;

(b) A description of the proposed objectives of the consortium; and

(c) A description of how each SEA proposed to participate in the development of the proposed objectives and activities of the project.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.22 Consultation with other agencies.

An applicant SEA under the Migrant Education Interstate and Intrastate Coordination Program shall plan and develop its project in consultation and coordination with other SEAs or with participating LEAs, as appropriate.

(Sec. 554(a), 20 U.S.C. 3803(a), Title I, Sec. 143, 20 U.S.C. 2763)

Subpart D—How Grants are Made**§ 205.30 Application evaluation.**

(a) The Secretary evaluates an application under this program on the basis of the criteria in § 205.31 of these regulations.

(b) The Secretary awards up to 100 possible points for meeting these criteria.

(c) The maximum number of points possible for meeting each individual criterion is indicated in parentheses after the heading for that criterion.

(Sec. 554(a), 20 U.S.C. 3803(a), 20 U.S.C. 1221e-3(a)(1), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.31 Selection criteria for reviewing an application.

(a) *Interstate and intrastate consultation and coordination* (30 points)

(1) The Secretary reviews each application for information that shows the quality of the applicant SEA's proposed consultation and coordination with other SEAs or with participating LEAs, as appropriate to effect improved interstate and intrastate coordination of programs available for migratory students (10 points).

(2) The Secretary reviews each application to determine the extent to which the proposed activities address unmet national needs (10 points).

(3) The Secretary looks for information that shows that the applicant SEA—

(i) Has consulted and coordinated adequately with other SEAs or participating LEAs, as appropriate, in planning, developing, and disseminating its project (5 points); and

(ii) Will consult and coordinate adequately with other SEAs or participating LEAs, as appropriate, in implementing and evaluating its project (5 points).

(b) *Plan of operation.* (25 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows the following:

(i) High quality in the design of the project.

(ii) An effective plan of management that insures proper and efficient administration of the project.

(iii) A clear description of how the objectives of the project relates to the purpose of the program.

(iv) A clear description of the way that the applicant SEA plans to use its resources and personnel to achieve each objective of the project.

(v) A clear description of how the applicant SEA will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(iv) A clear description of how the applicant SEA will provide an opportunity for participation of students enrolled in private schools.

(c) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows adequate qualifications of the key personnel the applicant SEA plans to use in the project.

(2) The Secretary looks for information that shows the following:

(i) The qualifications of the project director (if one is to be used).

(ii) The qualifications of each of the other key personnel to be used in the project.

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project.

(iv) The extent to which the applicant SEA, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training—in field related to the objectives of the project—as well

¹ Proposed regulations were published on December 3, 1982 at 47 FR 54718.

as other information that the applicant SEA provides.

(d) *Budget and cost effectiveness.* (15 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows the following:

(i) The budget for the project is adequate to support the project activities.

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference. See 34 CFR 75.590 of EDGAR (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant SEA plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows the following:

(i) The facilities that the applicant SEA plans to use are adequate.

(ii) The equipment and supplies that the applicant SEA plans to use are adequate.

(See. 544(a), 20 U.S.C. 3803(a); 20 U.S.C. 1221e-3(a)(1), Title I, Sec. 143, 20 U.S.C. 2763)

§ 205.32 Factors considered in awarding a grant.

In awarding grants, the Secretary considers—

(a) The amount of funds available for grants under the program; and

(b) The rank order of the applications—as determined by using the criteria listed in § 205.31 of these regulations.

(Sec. 544(a); 20 U.S.C. 3803(a); 20 U.S.C. 1221e-3(a)(1), Title I, Sec. 143, 20 U.S.C. 2763)

[FR Doc. 83-10907 Filed 4-19-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Grants to State Educational Agencies To Improve the Interstate and Intrastate Coordination of Migrant Education Activities

AGENCY: Department of Education.

ACTION: Application Notice for Fiscal Year 1983 (Program Year 1983-84).

Applications are invited for new grants under the Migrant Education Interstate and Intrastate Coordination Program to improve the coordination of activities conducted under Chapter 1 of the Education Consolidation and Improvement Act (ECIA) of 1981 (Pub. L. 97-35), Migrant Education Basic State Formula Grant Program.

The authority for this special coordination program is contained in Section 554(a) of Chapter 1, ECIA. (The text of Section 143 of Title I of the Elementary and Secondary Education Act (Title I, ESEA) as amended by Pub. L. 95-561) (20 U.S.C. 2763) contains the specific language authorizing the program. Section 554(a) of Chapter 1, ECIA provides continued authority to make payments based on the amount of, and eligibility for, grants as determined under the applicable sections of Title I, ESEA.) Funds are made available through a reservation from the total Chapter I Migrant Education Program appropriation. (The reservation of funds is authorized by Section 143(b) of Title I, ESEA, the Education Amendments of 1979 (Pub. L. 96-48).)

(U.S.C. 3803(a))

Eligible applicants are State educational agencies (SEAs).

The purpose of this program is to provide grants to SEAs, that may apply individually or cooperatively (i.e., as a group or consortium), to plan and implement special projects designed to improve the interstate and intrastate coordination of migrant education activities. Applicants under Section 415 of the Department of Education Organization Act (Pub. L. 96-88) (20 U.S.C. 3475) and the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95-224) (41 U.S.C. 501 *et. seq.*)

Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand delivered by June 6, 1983.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.144, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) a legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant SEA should check with its local post office.

An applicant is encouraged to use registered or first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (eastern standard time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: The Secretary awards grants under this program to SEAs to support special projects designed to promote and enhance the interstate and intrastate coordination of migrant education activities conducted under the Migrant Education Basic State Formula Grant Program. The basic program provides instructional and support services to meet the special educational needs of migratory children.

Available Funds: The Secretary estimates that there will be \$2,065,600 available for FY 1983 grants. The Secretary estimates that these funds will support 15 projects with most awards between \$80,000 and \$200,000. These estimates, however, do not bind the U.S. Department of Education to a specific number of grants nor to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: The U.S. Department of Education's Migrant Education Programs office will mail

application forms and program information packages to all eligible SEAs. An applicant SEA may obtain additional forms and program information packages by writing to Mr. Dustin Wilson, Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Ave. S.W., (Donohoe Building, Room 1100), Washington, D.C. 20202.

An applicant SEA must prepare and submit its application in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intended to aid the applicants in applying for assistance under this program. Nothing in the grant application package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations governing this program. The Secretary strongly urges that the narrative portion of an application not exceed 30 pages. The Secretary also urges that an applicant not submit information that is not requested.

Special Procedures: The application is subject to the State and area-wide clearinghouse review procedures under OMB Circular A-95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires an applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on its application.

In its application, an applicant must provide—

(1) The comments of each clearinghouse that commented on its application; or

(2) A statement that the applicant used the procedures of Part 1 of OMB Circular A-95 but did not receive any clearinghouse comments.

Applicable Regulations: The regulations that apply to this program include the following:

(a) Regulations governing the Migrant Education Interstate and Intrastate Coordination Program as proposed in 34 CFR Part 205. (Applications are being accepted based on the notice of proposed rulemaking for the Migrant Interstate and Intrastate Coordination Program which is published in this issue of the Federal Register. If any substantive changes are made in the final regulations for this program, applicants will be given an opportunity to revise their applications.)

(b) The Education Department
General Administrative Regulations
(EDGAR) (34 CFR Parts 74, 75, 77, and
78).

Further Information: For further
information, contact Mr. Dustin Wilson,
Director, Division of Program
Operations, Migrant Education
Programs, Office of Elementary and
Secondary Education, 400 Maryland
Avenue, S.W., (Donohoe Building, Room
1100), Washington, D.C. 20202.
Telephone (202) 245-9231.

(20 U.S.C. 3803(a))

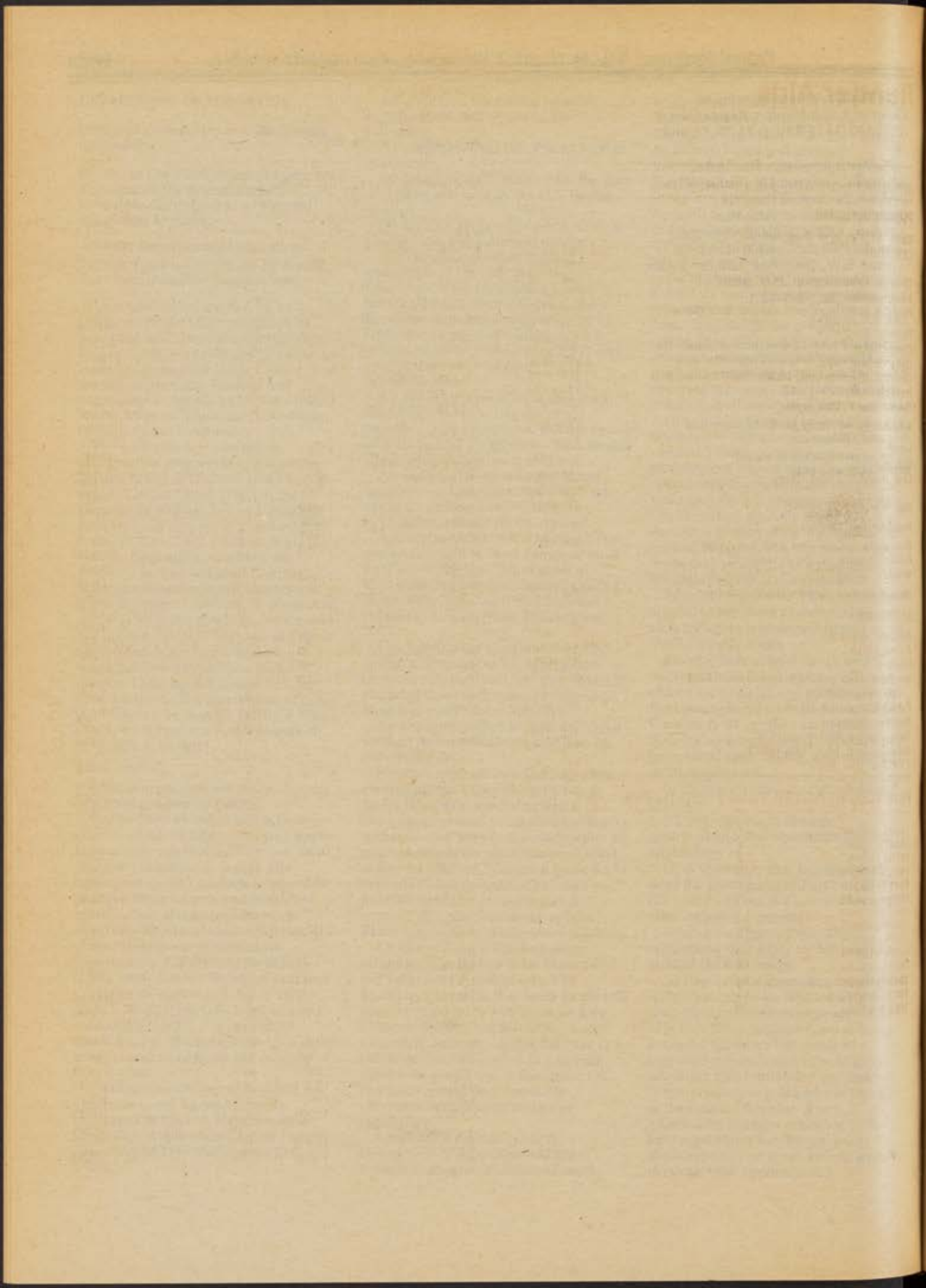
(Catalog of Federal Domestic Assistance No.
84.144: Migrant Education/Interstate and
Intrastate Coordination Program)

Dated: April 14, 1983.

Lawrence F. Davenport,
*Assistant Secretary for Elementary and
Secondary Education.*

[FR Doc. 83-10506 Filed 4-19-83; 8:45 am]

BILLING CODE 4000-01-M



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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing April 19, 1983